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| 8 | UNITED STATES | DISTRICT COURT |
| 9 | NORTHERN DISTRI | ICT OF CALIFORNIA |
| 10 | SAN FRANCIS | SCO DIVISION |
| 11 | IN RE FACEBOOK BIOMETRIC | Master Docket No.: 3:15-CV-03747-JD |
| 12 | INFORMATION PRIVACY LITIGATION | |
| 13 | | [PROPOSED] ORDER RE OMNIBUS ADMINISTRATIVE MOTION TO SEAL |
| 14 | THIS DOCUMENT RELATES TO: | Hon. James Donato |
| 15 | ALL ACTIONS | |
| 16 | | |
| 17 | | |
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[PROPOSED] ORDER

Having considered Facebook's Omnibus Administrative Motion to Seal, the Declaration of John Nadolenco, and all other matters presented, and having determined that compelling reasons or good cause – as specified below – exists for sealing this information, *see Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1186-87 (9th Cir. 2006), **IT IS HEREBY ORDERED THAT**:

The Omnibus Administrative Motion to File Under Seal is **GRANTED** to the following extent. The documents listed below shall remain under seal:

FACEBOOK'S MOTION FOR SUMMARY JUDGMENT

| | Facebook's M | Notion for Summary Ju | ıdgment |
|-----|---------------------------------|-----------------------|-----------------------------------|
| | | (Dkt. 299) | - |
| | | Portions to be | |
| No. | Document | Sealed | Compelling Reasons for Sealing |
| 1 | Exhibit 3 to the Declaration of | Entire document | The Expert Report of Matthew |
| | John Nadolenco in Support of | | Turk, Ph. D. contains an analysis |
| | Facebook's Motion for | | of Facebook source code and |
| | Summary Judgment | | other internal documents relating |
| | ("Nadolenco MSJ Declaration") | | to the details of Facebook's |
| | (Expert Report of Matthew | | network architecture and its |
| | Turk, Ph. D.) | | facial recognition technology, |
| | | | the underlying source of which |
| | | | Facebook has designated as |
| | | | "Confidential" or "Highly |
| | | | Confidential – Attorneys' Eyes |
| | | | Only" pursuant to the Protective |
| | | | Order. Public release of this |
| | | | information would cause |
| | | | Facebook harm by providing |
| | | | competitors with insight into |
| | | | how Facebook designs its |
| | | | computer systems and its |
| | | | proprietary facial-recognition |
| | | | technology. Further, public |
| | | | disclosure of information related |
| | | | to Facebook's network |
| | | | architecture and how its |

| 1 | | Facebook's M | Notion for Summary J | udgment |
|-----|-----|---------------------------------|----------------------|--|
| 2 | | | (Dkt. 299) | |
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | architecture is used in connection with facial |
| 5 | | | | recognition could put Facebook |
| | | | | and the people who use |
| 6 | | | | Facebook at increased risk of |
| 7 | | | | cyber attack by malicious actors. |
| 8 | | | | Facebook Biometric Dkt. 257-9 |
| 0 | | | | ("Yadan Decl.") ¶ 34; |
| 9 | | | | Nadolenco Sealing Decl. ¶ 19. |
| 10 | 2 | Exhibit 4 to the Nadolenco MSJ | Entire document | The Rebuttal Expert Report of |
| 11 | | Declaration (Rebuttal Expert | | Matthew Turk, Ph. D. contains |
| 11 | | Report of Matthew Turk, Ph. D.) | | an analysis of Facebook source code and other internal |
| 12 | | D.) | | documents relating to the details |
| 13 | | | | of Facebook's network |
| 1.4 | | | | architecture and its facial |
| 14 | | | | recognition technology, the |
| 15 | | | | underlying source of which |
| 16 | | | | Facebook has designated as |
| | | | | "Confidential" or "Highly |
| 17 | | | | Confidential – Attorneys' Eyes |
| 18 | | | | Only" pursuant to the Protective Order. Public release of this |
| 19 | | | | information would cause |
| | | | | Facebook harm by providing |
| 20 | | | | competitors with insight into |
| 21 | | | | how Facebook designs its |
| 22 | | | | computer systems and its |
| | | | | proprietary facial-recognition |
| 23 | | | | technology. Further, public disclosure of information related |
| 24 | | | | to Facebook's network |
| 25 | | | | architecture and how its |
| | | | | architecture is used in |
| 26 | | | | connection with facial |
| 27 | | | | recognition could put Facebook |
| 28 | | | 2 | and the people who use |

| 1 | | Facebook's N | Notion for Summary Ju | adgment |
|----|-----|--|-----------------------------------|---|
| 2 | | | (Dkt. 299) | |
| 2 | 2.7 | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | Facebook at increased risk of cyber attack by malicious actors. |
| 5 | | | | Yadan Decl. ¶ 34; Nadolenco |
| | | | | Sealing Decl. ¶ 19. |
| 6 | 3 | Exhibit 5 to the Nadolenco MSJ | Pages 134:8-15; | Exhibit 5 to the Nadolenco MSJ |
| 7 | | Declaration (excerpts from the | 134:8-23; 135:3-12; | Declaration contains excerpts |
| 8 | | October 18, 2016 Deposition | 135:15-21; 136:1- | from the October 18, 2016 |
| | | Transcript of Yaniv Taigman) | 12; 136:16-20; | deposition testimony of |
| 9 | | | 138:1-140:25; | Facebook's employee Yaniv |
| 10 | | | 141:4-25; 149:1- | Taigman. Mr. Taigman testified in detail about Facebook's |
| 11 | | | 153:25; 159:1- 167:25; 171:14- | network architecture, how |
| | | | 172:25; 177:1- | Facebook's proprietary facial- |
| 12 | | | 178:25; 237:1-25; | recognition technology works, |
| 13 | | | 239:1-240:25; | and the way in which |
| 14 | | | 241:8-20; 281:2-25; | Facebook's computer systems |
| | | | 340:3-341:25; | interact with and support |
| 15 | | | 366:3-25; 367:4-25; | Facebook's facial recognition |
| 16 | | | 368:4-25 or | technology. These portions of |
| 17 | | | portions thereof | Mr. Taigman's deposition have been designated by Facebook as |
| | | | | "Highly Confidential – |
| 18 | | | | Attorneys' Eyes Only" pursuant |
| 19 | | | | to the Protective Order. Public |
| 20 | | | | release of this information would |
| | | | | cause Facebook harm by |
| 21 | | | | providing competitors with |
| 22 | | | | insight into how Facebook designs its computer systems and |
| 23 | | | | its proprietary facial-recognition |
| | | | | technology. Yadan Decl. ¶ 34; |
| 24 | | | | Nadolenco Sealing Decl. ¶¶ 16- |
| 25 | | | 71007 | 17. |
| 26 | 4 | Exhibit 6 to Nadolenco MSJ | Pages 51:9-25; | Exhibit 6 to the Nadolenco MSJ |
| | | Decl. (excerpts from the October 26, 2017 Deposition | 156:1-157:25; or portions thereof | Declaration contains excerpts from the October 26, 2017 |
| 27 | | Transcript of Omry Yadan) | portions mercor | deposition testimony of |
| 28 | | Transcript of Only Tudun) | | deposition tostimony of |

| 1 | | Facebook's M | Iotion for Summary J | udgment |
|----|-----|--------------------------------|----------------------|---|
| 2 | | | (Dkt. 299) | |
| 3 | NT | Б | Portions to be | C III. D C C II. |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing Facebook's employee Omry |
| 4 | | | | Yadan. Mr. Yadan testified in |
| 5 | | | | detail about Facebook's network |
| 6 | | | | architecture, how Facebook's |
| | | | | proprietary facial-recognition |
| 7 | | | | technology works, and the way |
| 8 | | | | in which Facebook's computer systems interact with and |
| 9 | | | | support Facebook's facial |
| 10 | | | | recognition technology. These |
| | | | | portions of Mr. Yadan's |
| 11 | | | | deposition have been designated |
| 12 | | | | by Facebook as "Highly Confidential – Attorneys' Eyes |
| 13 | | | | Only" pursuant to the Protective |
| 14 | | | | Order. Public release of this |
| | | | | information would cause |
| 15 | | | | Facebook harm by providing |
| 16 | | | | competitors with insight into how Facebook designs its |
| 17 | | | | computer systems and its |
| | | | | proprietary facial-recognition |
| 18 | | | | technology. Yadan Decl. ¶ 34; |
| 19 | | | | Nadolenco Sealing Decl. ¶¶ 16- |
| 20 | 5 | Exhibit 7 to the Nadolenco MSJ | Entire document | 17. The Expert Report of Jeffrey S. |
| 21 | | Declaration (Expert Report of | | Dunn contains an analysis of |
| 22 | | Jeffrey S. Dunn) | | Facebook's network architecture |
| | | | | and its facial recognition |
| 23 | | | | technology, the underlying sources for which Facebook has |
| 24 | | | | designated as "Confidential" or |
| 25 | | | | "Highly Confidential – |
| 26 | | | | Attorneys' Eyes Only" pursuant |
| 27 | | | | to the Protective Order. Public release of this information would |
| | | | | cause Facebook harm by |
| 28 | | | 4 | , |

| 1 | | Facebook's M | Notion for Summary Ju | udgment |
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| 2 | | | (Dkt. 299) | |
| | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | providing competitors with |
| _ | | | | insight into how Facebook |
| 5 | | | | designs its computer systems |
| 6 | | | | and its proprietary facial- |
| 7 | | | | recognition technology. Further, |
| ′ | | | | public disclosure of information related to Facebook's network |
| 8 | | | | architecture and how its |
| 9 | | | | architecture is used in |
| | | | | connection with facial |
| 10 | | | | recognition could put Facebook |
| 11 | | | | and the people who use |
| 12 | | | | Facebook at increased risk of |
| | | | | cyber attack by malicious actors. |
| 13 | | | | Yadan Decl. ¶ 34; Nadolenco |
| 14 | | | | Sealing Decl. ¶ 19. |
| 1.5 | 6 | Exhibit 8 to the Nadolenco MSJ | Entire document | Exhibit 8 to the Nadolenco |
| 15 | | Declaration (excerpts from the | | Declaration contains excerpts from the February 23, 2018 |
| 16 | | February 23, 2018 Deposition Transcript of Dr. Atif Hashmi) | | deposition testimony of Dr. Atif |
| 17 | | Transcript of Dr. 7xtii Trasiiiii) | | Hashmi. Dr. Hashmi testified in |
| | | | | detail about his analysis of |
| 18 | | | | Facebook source code relating to |
| 19 | | | | the details of Facebook's |
| 20 | | | | network architecture and its |
| 20 | | | | facial recognition technology, |
| 21 | | | | which Facebook has designated |
| 22 | | | | as "Confidential" or "Highly |
| 23 | | | | Confidential – Attorneys' Eyes Only" pursuant to the Protective |
| 23 | | | | Order. Public release of this |
| 24 | | | | information would cause |
| 25 | | | | Facebook harm by providing |
| | | | | competitors with insight into |
| 26 | | | | how Facebook designs its |
| 27 | | | | computer systems and its |
| 28 | | | | proprietary facial-recognition |
| 28 | | | 5 | |

| 1 | | Facebook's M | Notion for Summary J | udgment |
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| 2 | | | (Dkt. 299) | |
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | technology. Further, public disclosure of information related |
| 5 | | | | to Facebook's network |
| | | | | architecture and how its |
| 6 | | | | architecture is used in |
| 7 | | | | connection with facial |
| 0 | | | | recognition could put Facebook |
| 8 | | | | and the people who use |
| 9 | | | | Facebook at increased risk of |
| 10 | | | | cyber attack by malicious actors. |
| | | | | Yadan Decl. ¶ 34; Nadolenco |
| 11 | 7 | Estable Ora de Natalana MCI | Entire decreased | Sealing Decl. ¶¶ |
| 12 | 7 | Exhibit 9 to the Nadolenco MSJ Declaration (Expert Report of | Entire document | The Expert Report of Dr. Atif Hashmi contains an analysis of |
| 13 | | Dr. Atif Hashmi) | | Facebook source code relating to |
| | | Di. Tun Tunini) | | the details of Facebook's |
| 14 | | | | network architecture and its |
| 15 | | | | facial recognition technology, |
| 16 | | | | which Facebook has designated |
| | | | | as "Confidential" or "Highly |
| 17 | | | | Confidential – Attorneys' Eyes |
| 18 | | | | Only" pursuant to the Protective Order. Public release of this |
| 19 | | | | information would cause |
| | | | | Facebook harm by providing |
| 20 | | | | competitors with insight into |
| 21 | | | | how Facebook designs its |
| 22 | | | | computer systems and its |
| 22 | | | | proprietary facial-recognition |
| 23 | | | | technology. Further, public |
| 24 | | | | disclosure of information related |
| 25 | | | | to Facebook's network architecture and how its |
| 25 | | | | architecture is used in |
| 26 | | | | connection with facial |
| 27 | | | | recognition could put Facebook |
| | | | | and the people who use |
| 28 | | | 6 | |

| 1 | | Facebook's N | Motion for Summary July | udgment |
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| 2 | | | (Dkt. 299) | |
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | Facebook at increased risk of |
| 5 | | | | cyber attack by malicious actors. |
| 3 | | | | Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶ 19. |
| 6 | 8 | Exhibit 10 to the Nadolenco | Pages 1:14-3:3; or | Portions of paragraphs 4-12 of |
| 7 | | MSJ Declaration (January 25, | portions thereof | the January 25, 2018 Declaration |
| 0 | | 2018 Declaration of Omry | portions undition | of Omry Yadan contain |
| 8 | | Yadan) | | information relating to the |
| 9 | | | | details of Facebook's network |
| 10 | | | | architecture and its facial |
| 10 | | | | recognition technology, which |
| 11 | | | | Facebook has designated as |
| 12 | | | | "Confidential" or "Highly |
| | | | | Confidential – Attorneys' Eyes |
| 13 | | | | Only" pursuant to the Protective |
| 14 | | | | Order. Public release of this |
| 15 | | | | information would cause |
| 13 | | | | Facebook harm by providing competitors with insight into |
| 16 | | | | how Facebook designs its |
| 17 | | | | computer systems and its |
| | | | | proprietary facial-recognition |
| 18 | | | | technology. Further, public |
| 19 | | | | disclosure of information related |
| 20 | | | | to Facebook's network |
| 20 | | | | architecture and how its |
| 21 | | | | architecture is used in |
| 22 | | | | connection with facial |
| | | | | recognition could put Facebook |
| 23 | | | | and the people who use Facebook at increased risk of |
| 24 | | | | cyber attack by malicious actors. |
| 25 | | | | Yadan Decl. ¶ 34; Nadolenco |
| ۷. | | | | Sealing Decl. ¶ 9. |
| 26 | 9 | Exhibit 11 to Nadolenco MSJ | Entire document | Exhibit 11 to the Nadolenco |
| 27 | | Declaration (excerpts from the | | Declaration contains excerpts |
| | | February 26, 2018 Deposition | | from the February 26, 2018 |
| 28 | | ı | _ | |

| 1 | | Facebook's M | Notion for Summary J | udgment |
|----|-----|---------------------------------|----------------------|---|
| 2 | | (Dkt. 299) | | |
| | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | Transcript of Jeffrey S. Dunn) | | deposition transcript of Jeffrey S. Dunn. Mr. Dunn testified in |
| 5 | | | | detail regarding his analysis of |
| | | | | Facebook's network architecture |
| 6 | | | | and its facial recognition |
| 7 | | | | technology, the underlying |
| 8 | | | | sources for which Facebook has |
| | | | | designated as "Confidential" or |
| 9 | | | | "Highly Confidential – |
| 10 | | | | Attorneys' Eyes Only" pursuant to the Protective Order. Public |
| 11 | | | | release of this information would |
| | | | | cause Facebook harm by |
| 12 | | | | providing competitors with |
| 13 | | | | insight into how Facebook |
| 14 | | | | designs its computer systems |
| | | | | and its proprietary facial- |
| 15 | | | | recognition technology. Further, public disclosure of information |
| 16 | | | | related to Facebook's network |
| 17 | | | | architecture and how its |
| | | | | architecture is used in |
| 18 | | | | connection with facial |
| 19 | | | | recognition could put Facebook |
| 20 | | | | and the people who use |
| | | | | Facebook at increased risk of |
| 21 | | | | cyber attack by malicious actors. Yadan Decl. ¶ 34; Nadolenco |
| 22 | | | | Sealing Decl. ¶ 20. |
| 23 | 10 | Exhibit 16 to Nadolenco MSJ | Page 1:19-26; | The designated portion of the |
| 24 | | Declaration (January 25, 2018 | Exhibit 1; or | Strahs Declaration ("Strahs |
| 24 | | Declaration of Benjamin Strahs) | portions thereof | Decl.") should be sealed because |
| 25 | | | | it references and discusses |
| 26 | | | | plaintiffs' privacy settings. Facebook considers this |
| 27 | | | | information about its users to be |
| | | | | non-public and takes steps to |
| 28 | | | 8 | 1 |

| 1 | | Facebook's I | Motion for Summary J | udgment |
|----|-----|---------------------------------------|----------------------|--|
| 2 | | | (Dkt. 299) | |
| | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | prevent the information from |
| 5 | | | | becoming publicly available or |
| 3 | | | | available to people outside of Facebook. Yadan Decl. ¶ 29; |
| 6 | | | | Strahs Decl. ¶ 5; Nadolenco |
| 7 | | | | Sealing Decl. ¶ 16-17. |
| 0 | 11 | Exhibit 12 to the March 15, | Entire document | Exhibit 12 to the Sherman |
| 8 | | 2018 Declaration of Robert | | Declaration contains detailed |
| 9 | | Sherman ("Sherman | | information regarding |
| 10 | | Declaration") | | Facebook's drafts of and notes |
| | | (FBBIPA_00040763) | | for confidential communications |
| 11 | | | | with a government entity |
| 12 | | | | concerning its facial-recognition |
| 13 | | | | technology, which are maintained as confidential by |
| | | | | both sides to the communication. |
| 14 | | | | Public release of this information |
| 15 | | | | would cause Facebook harm by |
| 16 | | | | providing competitors with |
| 16 | | | | insight into how Facebook |
| 17 | | | | implements its proprietary |
| 18 | | | | facial-recognition technology. |
| | | | | Yadan Decl. ¶ 34; Nadolenco |
| 19 | 12 | E-hihit 14 to the Champeon | Entire de avenuer | Sealing Decl. ¶¶ 11-12. Exhibit 14 to the Sherman |
| 20 | 12 | Exhibit 14 to the Sherman Declaration | Entire document | Declaration discusses |
| 21 | | (FBBIPA_00034074) | | confidential details about |
| | | (122112_00001071) | | Facebook's Tag Suggestions |
| 22 | | | | feature that are not publicly |
| 23 | | | | known. Public release of this |
| 24 | | | | information would cause |
| | | | | Facebook harm by providing |
| 25 | | | | competitors with insight into |
| 26 | | | | how Facebook designs its |
| 27 | | | | computer systems and implements its proprietary |
| 27 | | | | facial-recognition technology. |
| 28 | | <u> </u> | Q | radia recognition technology. |

| 1 | | Facebook's N | Motion for Summary J | udgment |
|----|-----|--|----------------------|---|
| 2 | | | (Dkt. 299) | |
| 2 | | _ | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | Yadan Decl. ¶ 34; Sherman Decl. ¶ 20; Nadolenco Sealing |
| 5 | | | | Decl. ¶¶ 11-12. |
| | 13 | Exhibit 15 to the Sherman | Entire document | Exhibit 15 to the Sherman |
| 6 | | Declaration | | Declaration discusses |
| 7 | | (FBBIPA_00037804) | | confidential details about |
| 8 | | | | Facebook's Tag Suggestions |
| | | | | feature that are not publicly |
| 9 | | | | known. Public release of this |
| 10 | | | | information would cause Facebook harm by providing |
| 11 | | | | competitors with insight into |
| | | | | how Facebook designs its |
| 12 | | | | computer systems and |
| 13 | | | | implements its proprietary |
| 14 | | | | facial-recognition technology. |
| | | | | Yadan Decl. ¶ 34; Nadolenco |
| 15 | | | | Sealing Decl. ¶¶ 11-12. The |
| 16 | | | | document also reflects communications with |
| 17 | | | | government entities that |
| | | | | occurred under a mutual |
| 18 | | | | understanding that they would be |
| 19 | | | | kept confidential. Sherman |
| 20 | | | | Decl. ¶ 20. |
| | 14 | Exhibit 2 to the March 14, 2018 | Entire document | Exhibit 2 to the Taigman |
| 21 | | Declaration of Yaniv Taigman | | Declaration contains confidential |
| 22 | | ("Taigman Declaration") (FBBIPA_0005330) | | details about Facebook's Tag Suggestions feature that are not |
| 23 | | (1 BBH 71_0003330) | | publicly known. Public release |
| | | | | of this information would cause |
| 24 | | | | Facebook harm by providing |
| 25 | | | | competitors with insight into |
| 26 | | | | how Facebook designs its |
| | | | | computer systems and |
| 27 | | | | implements its proprietary facial-recognition technology. |
| 28 | | | 10 | raciai-recognition technology. |

| | Facebook's N | Motion for Summary Ju (Dkt. 299) | adgment |
|-----|---------------------------------|-------------------------------------|---|
| | | Portions to be | |
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | 2 0000000 | 2 2 2 2 2 2 | Taigman Declaration ¶ 3; Yadar |
| | | | Decl. ¶ 34; Nadolenco Sealing |
| | | | Decl. ¶¶ 16-17. |
| 15 | Exhibit 1 to the March 13, 2018 | Entire document | Exhibit 1 to the Barak |
| | Declaration of Dan Barak | | Declaration contains confidentia |
| | ("Barak Declaration") (Dkt. No. | | details about Facebook's Tag |
| | 299-40) (FBBIPA_00021843) | | Suggestions feature that are not |
| | | | publicly known. Public release |
| | | | of this information would cause |
| | | | Facebook harm by providing |
| | | | competitors with insight into |
| | | | how Facebook designs its |
| | | | computer systems and |
| | | | implements its proprietary |
| | | | facial-recognition technology. |
| | | | Barak Declaration ¶ 3; Yadan |
| | | | Decl. ¶ 34; Nadolenco Sealing Decl. ¶¶ 16-17. |
| 16 | Facebook's Memorandum of | Pages 3:26-4:15; | The designated portions of |
| 10 | Law in Support of Motion for | 4:19-22; 4:25-28; | Facebook's Memorandum in |
| | Summary Judgment. | 5:1-8:10; 9:7-9; | Support of Motion for Summar |
| | | 13:18-23; 17:10-13; | Judgment reference or discuss |
| | | 18:8-22; 19:17-21; | the information contained in the |
| | | 20:7-9; 21:12-23; | expert reports, confidential |
| | | 22:1-22; 22:25-28; | deposition testimony of |
| | | 23:4-6; 23:9-24:7; | Taigman, Yadan, Dunn, and |
| | | or portions thereof | Strahs, and exhibits Facebook |
| | | | seeks to seal. Public release of |
| | | | this information would cause |
| | | | Facebook harm by providing |
| | | | competitors with insight into |
| | | | how Facebook designs its |
| | | | computer systems and its |
| | | | proprietary facial-recognition |
| | | | technology. Sherman Decl. ¶ |
| | | | 20; Taigman Decl. ¶ 3; Strahs |

| Facebook's Motion for Summary Judgment | | | | | |
|--|------------|----------------|--------------------------------|--|--|
| | | (Dkt. 299) | | | |
| | | Portions to be | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | |
| | | | Nadolenco Sealing Decl. ¶¶ 24- | | |
| | | | 25. | | |
| | | | | | |
| Plaintiffs' Opposition to Facebook's Motion for Summary Judgment | | | | | |
| | (Dkt. 341) | | | | |
| | | (Dkt. 341) | | | |

| 7 | | Timilinis Opposition to I | (Dkt. 341) | Summary sudgment |
|----------------|-----|--|----------------------|---|
| | | | Portions to be | |
| 8 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 9 | 17 | Plaintiffs' Opposition to | Pages 2:8; 3:26-28; | The designated portions of |
| | | Facebook's Motion for | 6:21-25; 7:1; 7:4-6; | Plaintiffs' Opposition to |
| 10 | | Summary Judgment | 7:10; 7:12; 8:6-8; | Facebook's Motion for Summary |
| 11 | | | 8:22-23; 9:1-2; | Judgment reference or discuss |
| | | | 10:26-27; 15:18-21; | the information contained in the |
| 12 | | | 18:10-23; 18:26-28; | discovery responses, expert |
| 13 | | | 19:5-9; 19:20-28; | reports, and confidential |
| | | | 20:13-16; 20:22-23; | deposition testimony of |
| 14 | | | 20:27-21:6; 21:9- | Taigman, Hashmi, Turk, Yadan, |
| 15 | | | 21; 21:25-28; 22:2- | Dunn that Facebook seeks to |
| 1. | | | 24; 22:27-28; 23:1- | seal. Public release of this |
| 16 | | | 6; 23:15-17; 23:19- | information would cause |
| 17 | | | 21; 23:24; 23:26- | Facebook harm by providing |
| 1.0 | | | 28; 24:1-4; or | competitors with insight into |
| 18 | | | portions thereof | how Facebook designs its |
| 19 | | | | computer systems and its |
| 20 | | | | proprietary facial-recognition |
| 20 | | | | technology. Yadan Decl. ¶ 34; |
| 21 | | | | Nadolenco Sealing Decl. ¶¶ 24- |
| 22 | 10 | | | 25. |
| 22 | 18 | Exhibit 1 to the Declaration of | Entire document | Exhibit 1 to the Williams MSJ |
| 23 | | Shawn A. Williams in Support | | Opp. Declaration contains |
| 24 | | of Plaintiffs' Opposition to Facebook's Motion for | | information relating to the details of Facebook's network |
| 2 4 | | | | |
| 25 | | Summary Judgment ("Williams MSJ Opp. Decl.") | | architecture and its facial recognition technology, which |
| 26 | | (FBBIPA_00009283) | | Facebook has designated as |
| 20 | | (1 DDII A_00007203) | | "Confidential" or "Highly |
| 27 | | | | Confidential – Attorneys' Eyes |
| 28 | | | | Comidental Patienteys Lyes |
| _0 | | | 12 | |

| | Plaintiffs' Opposition to | (Dkt. 341) | or Summary Judgment |
|-----|-------------------------------|-----------------|--|
| | | Portions to be | |
| No. | Document | Sealed | Compelling Reasons for Sealin |
| | | | Only" pursuant to the Protective |
| | | | Order. Public release of this |
| | | | information would cause |
| | | | Facebook harm by providing |
| | | | competitors with insight into |
| | | | how Facebook designs its |
| | | | computer systems and its |
| | | | proprietary facial-recognition |
| | | | technology. Further, public |
| | | | disclosure of information relate |
| | | | to Facebook's network architecture and how its |
| | | | architecture and now its |
| | | | with facial recognition could pu |
| | | | Facebook and the people who |
| | | | use Facebook at increased risk |
| | | | cyber attack by malicious actor |
| | | | Yadan Decl. ¶ 34; Nadolenco |
| | | | Sealing Decl. ¶¶ 11-12. |
| 19 | Exhibit 3 to the Williams MSJ | Entire document | Exhibit 3 to the Williams MSJ |
| | Opp. Decl. | | Opp. Declaration discusses |
| | (FBBIPA_00009318) | | confidential details about |
| | | | Facebook's Tag Suggestions |
| | | | feature that are not publicly |
| | | | known. Public release of this |
| | | | information would cause |
| | | | Facebook harm by providing |
| | | | competitors with insight into |
| | | | how Facebook designs its |
| | | | computer systems and |
| | | | implements its proprietary facia |
| | | | recognition technology. Yadan |
| | | | Decl. ¶ 34; Nadolenco Sealing |
| 20 | Exhibit 8 to the Williams MSJ | Entire document | Decl. ¶¶ 11-12. Exhibit 8 to the Williams MSJ |
| | Opp. Decl. | Little document | Opp. Declaration references |
| | (FBBIPA_00008127) | | proprietary and confidential |

| | Plaintiffs' Opposition to I | (Dkt. 341) | |
|-----|---|---------------------------------|---|
| | | Portions to be | |
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | | | details about Facebook's image |
| | | | processing system. Public |
| | | | release of this information would cause Facebook harm by |
| | | | providing competitors with |
| | | | insight into how Facebook |
| | | | designs its computer systems an |
| | | | its proprietary facial-recognition |
| | | | technology. Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶¶ 11- |
| | | | 12. |
| 21 | Exhibit 14 to the Williams MSJ | Pages 134:8-15; | See Exhibit 5 to the Nadolenco |
| | Opp. Decl. (October 18, 2016 | 134:18-22; 246:3- | MSJ Declaration (Ref. No. 3). |
| | Deposition Transcript of Yaniv | 10; 246:13-247:6; | T 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |
| | Taigman) | 247:8-14; 247:16- | Exhibit 14 to the Williams MSJ |
| | | 25 to the excerpts submitted by | Opp. Declaration includes a complete copy of Mr. Taigman' |
| | | Facebook; and non- | deposition transcript, of which 3 |
| | | cited pages in their | pages are cited in plaintiffs' |
| | | entirety | brief. The non-cited pages have |
| | | | no bearing on the issues to be |
| | | | decided on this motion and |
| | | | should be sealed for this |
| | | | additional reason. See CreAgri, |
| | | | Inc., 2014 WL 27028, at |
| | | | *2 (granting motion to seal portion of document that would |
| | | | "not further the public's |
| | | | understanding of the reasoning |
| | | | underlying the Court's |
| | | | decisions"). Nadolenco Sealing |
| • | | | Decl. ¶¶ 16-17. |
| 22 | Exhibit 15 to the Williams MSJ | Pages 123, 148, | See Exhibit 8 to the Nadolenco |
| | Opp. Decl. (February 23, 2018 Deposition Transcript of | 178-79, and 224 to the excerpts | MSJ Declaration (Ref. No. 6). |
| | Dr. Atif Hashmi) | submitted by | Exhibit 15 to the Williams MSJ |
| | 21. 11th 11th (in) | Facebook; and non- | Opp. Declaration includes a |

| 1 | | Plaintiffs' Opposition to I | Facebook's Motion for | Summary Judgment |
|----|-----|---------------------------------|--|--|
| 2 | | | (Dkt. 341) | |
| | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | cited pages in their | complete copy of Mr. Taigman's |
| 5 | | | entirety | deposition transcript, of which 5 |
| 5 | | | | pages are cited in plaintiffs' |
| 6 | | | | brief. The non-cited pages have no bearing on the issues to be |
| 7 | | | | decided on this motion and |
| | | | | should be sealed for this |
| 8 | | | | additional reason. See CreAgri, |
| 9 | | | | <i>Inc.</i> , 2014 WL 27028, at |
| 10 | | | | *2 (granting motion to seal |
| 10 | | | | portion of document that would |
| 11 | | | | "not further the public's |
| 12 | | | | understanding of the reasoning |
| | | | | underlying the Court's |
| 13 | | | | decisions"); Nadolenco Sealing |
| 14 | 22 | | The state of the s | Decl. ¶¶ 20. |
| 15 | 23 | Exhibit 16 to the Williams MSJ | Entire document | Exhibit 16 to the Williams MSJ |
| 15 | | Opp. Decl. (FBBIPA_00005371) | | Opp. Declaration discusses how Facebook's proprietary facial- |
| 16 | | (PBBIFA_00005371) | | recognition technology works |
| 17 | | | | and the way in which Facebook's |
| | | | | computer systems interact with |
| 18 | | | | and support Facebook's facial- |
| 19 | | | | recognition technology. Public |
| 20 | | | | release of this information would |
| 20 | | | | cause Facebook harm by |
| 21 | | | | providing competitors with |
| 22 | | | | insight into how Facebook |
| | | | | designs its computer systems and |
| 23 | | | | its proprietary facial-recognition |
| 24 | | | | technology. Yadan Decl. ¶ 34; |
| 25 | | | | Nadolenco Sealing Decl. ¶¶ 11-12. |
| | 24 | Exhibit 19 to the Williams MSJ | Pages 7:1-2, 19-21; | Exhibit 19 to the Williams MSJ |
| 26 | | Opp. Decl. (Facebook, Inc.'s | or portions thereof | Opp. Declaration contains |
| 27 | | Amended and Supplemental | | confidential information related |
| | | Responses to Plaintiffs' Second | | to Facebook's technological |

| 1 | | Plaintiffs' Opposition to I | | Summary Judgment |
|-----|-----|--------------------------------|-----------------|--|
| 2 | | | (Dkt. 341) | |
| 3 | NT | 5 | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | Set of Interrogatories, dated | | capabilities with regard to IP address information for |
| 5 | | October 5, 2017) | | photographs uploaded to |
| | | | | Facebook. Public release of this |
| 6 | | | | information would cause |
| 7 | | | | Facebook harm by providing |
| | | | | competitors with insight into |
| 8 | | | | how Facebook designs its |
| 9 | | | | computer systems. Exhibit 19 |
| 10 | | | | further references IP address |
| 10 | | | | information associated with |
| 11 | | | | Patel's, Licata's, and Pezen's |
| 12 | | | | Facebook user activity. |
| | | | | Facebook considers this |
| 13 | | | | information about its users to be |
| 14 | | | | non-public and takes steps to |
| 1.5 | | | | prevent the information from |
| 15 | | | | becoming publicly available or |
| 16 | | | | available to people outside of Facebook. Yadan Decl. ¶ 34; |
| 17 | | | | Nadolenco Sealing Decl. ¶¶ 23. |
| | 25 | Exhibit 24 to the Williams MSJ | Entire document | Exhibit 24 to the Williams MSJ |
| 18 | | Opp. Decl. | Zinine decament | Opp. Decl. contains information |
| 19 | | (FBBIPA_00000328) | | that identifies plaintiff Patel's |
| 20 | | <u> </u> | | personal email and home |
| 20 | | | | telephone number. Further, |
| 21 | | | | subsequent pages of the |
| 22 | | | | document reference IP address |
| | | | | information and other |
| 23 | | | | information associated with |
| 24 | | | | Patel's Facebook user activity. |
| | | | | Facebook considers this information about its users to be |
| 25 | | | | |
| 26 | | | | non-public and takes steps to prevent the information from |
| 27 | | | | becoming publicly available or |
| | | | | available to people outside of |
| 28 | | <u> </u> | 16 | rr |

| 1 | | Plaintiffs' Opposition to I | | Summary Judgment | |
|----|------------|--------------------------------|-----------------|--|--|
| 2 | (Dkt. 341) | | | | |
| 2 | 2.7 | 6 | Portions to be | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | |
| 4 | | | | Facebook. Yadan Decl. ¶¶ 28- | |
| 5 | | | | 29; Facebook Biometric Dkt. 285-4 ("2d Yadan Decl.") ¶¶ 13- | |
| | | | | 14; Nadolenco Sealing Decl. | |
| 6 | | | | ¶ 13. | |
| 7 | 26 | Exhibit 25 to the Williams MSJ | Entire document | Exhibit 25 to the Williams MSJ | |
| 8 | | Opp. Decl. | | Opp. Decl. contains information | |
| | | (FBBIPA_00000043) | | that identifies plaintiff Pezen's | |
| 9 | | | | personal email and home | |
| 10 | | | | telephone number. Further, subsequent pages of the | |
| 11 | | | | document reference IP address | |
| | | | | information and other | |
| 12 | | | | information associated with | |
| 13 | | | | Pezen's Facebook user activity. | |
| 14 | | | | Facebook considers this | |
| | | | | information about its users to be | |
| 15 | | | | non-public and takes steps to | |
| 16 | | | | prevent the information from | |
| 17 | | | | becoming publicly available or available to people outside of | |
| | | | | Facebook. Yadan Decl. ¶¶ 28- | |
| 18 | | | | 29; Facebook Biometric Dkt. | |
| 19 | | | | 285-4 ("2d Yadan Decl.") ¶¶ 13- | |
| 20 | | | | 14; Nadolenco Sealing Decl. | |
| | | | | ¶ 13. | |
| 21 | 27 | Exhibit 26 to the Williams MSJ | Entire document | Exhibit 26 to the Williams MSJ | |
| 22 | | Opp. Decl. (FBBIPA_00000295) | | Opp. Decl. contains information | |
| 23 | | (FBBIFA_00000293) | | that identifies plaintiff Licata's personal email and home | |
| | | | | telephone number. Further, | |
| 24 | | | | subsequent pages of the | |
| 25 | | | | document reference IP address | |
| 26 | | | | information and other | |
| 20 | | | | information associated with | |
| 27 | | | | Licata's Facebook user activity. | |
| 28 | | | | Facebook considers this | |

| 1 | | Plaintiffs' Opposition to I | | Summary Judgment | | |
|-----------------|-----|---|--------------------------------------|---|--|--|
| 2 | | | (Dkt. 341) | | | |
| 3 | NT | Б. | Portions to be | | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | | |
| 4 | | | | information about its users to be | | |
| 5 | | | | non-public and takes steps to prevent the information from | | |
| | | | | becoming publicly available or | | |
| 6 | | | | available to people outside of | | |
| 7 | | | | Facebook. Yadan Decl. ¶¶ 28- | | |
| 0 | | | | 29; Facebook Biometric Dkt. | | |
| 8 | | | | 285-4 ("2d Yadan Decl.") ¶¶ 13- | | |
| 9 | | | | 14; Nadolenco Sealing Decl. | | |
| 10 | | | | ¶ 13. | | |
| | 28 | Exhibit 27 to the Williams MSJ | Entire document | See Exhibit 4 to the Nadolenco | | |
| 11 | | Opp. Decl. (Expert Rebuttal | | MSJ Declaration (Ref. No. 2). | | |
| 12 | 20 | Report of Matthew Turk, Ph.D.) | D 110 16 121 | E 1.1.7.20 to 4 W.H. MOI | | |
| 13 | 29 | Exhibit 28 to the Williams MSJ Opp. Decl. (February 28, 2018 | Pages 112-16, 131-32, and 322 to the | Exhibit 28 to the Williams MSJ Opp. Declaration should be | | |
| | | Deposition Transcript of | excerpts submitted | sealed because Dr. Turk testified | | |
| 14 | | Matthew Turk) | by Facebook; and | in detail regarding his analysis of | | |
| 15 | | Turity | non-cited pages in | Facebook source code and other | | |
| 1.0 | | | their entirety | internal documents relating to | | |
| 16 | | | - | the details of Facebook's | | |
| 17 | | | | network architecture and its | | |
| 18 | | | | facial recognition technology, | | |
| | | | | the underlying source of which | | |
| 19 | | | | Facebook has designated as | | |
| 20 | | | | "Confidential" or "Highly Confidential – Attorneys' Eyes | | |
| 21 | | | | Only" pursuant to the Protective | | |
| | | | | Order. Public release of this | | |
| 22 | | | | information would cause | | |
| 23 | | | | Facebook harm by providing | | |
| 24 | | | | competitors with insight into | | |
| ∠ '1 | | | | how Facebook designs its | | |
| 25 | | | | computer systems and its | | |
| 26 | | | | proprietary facial-recognition | | |
| | | | | technology. Further, public disclosure of information related | | |
| 27 | | | | to Facebook's network | | |
| 28 | | | 18 | to I decoook 5 network | | |

| 1 | | Plaintiffs' Opposition to I | | Summary Judgment | |
|----|------|---|--------------------------|---|--|
| 2 | | | (Dkt. 341) | | |
| 3 | No. | Document | Portions to be Sealed | Compelling Reasons for Sealing | |
| | 110. | D ocument | Source | architecture and how its | |
| 4 | | | | architecture is used in connection | |
| 5 | | | | with facial recognition could put | |
| 6 | | | | Facebook and the people who | |
| 7 | | | | use Facebook at increased risk of cyber attack by malicious actors. | |
| | | | | Yadan Decl. ¶ 34; Nadolenco | |
| 8 | | | | Sealing Decl. ¶20. | |
| 9 | | | | | |
| 10 | | | | Exhibit 28 to the Williams. | |
| 11 | | | | Declaration includes a complete copy of Dr. Turk's deposition | |
| | | | | transcript, of which 9 pages are | |
| 12 | | | | cited in plaintiffs' brief. The | |
| 13 | | | | non-cited pages have no bearing | |
| 14 | | | | on the issues to be decided on | |
| | | | | this motion and should be sealed | |
| 15 | | | | for this additional reason. <i>See CreAgri, Inc.</i> , 2014 WL 27028, | |
| 16 | | | | at *2 (granting motion to seal | |
| 17 | | | | portion of document that would | |
| 18 | | | | "not further the public's | |
| | | | | understanding of the reasoning | |
| 19 | | | | underlying the Court's decisions"). Nadolenco Sealing | |
| 20 | | | | Decl. ¶ 21. | |
| 21 | 30 | Exhibit 30 to the Williams MSJ | Entire document | See Exhibit 7 to the Nadolenco | |
| 22 | | Opp. Decl. (Expert Report of | | MSJ Declaration (Ref. No. 5). | |
| | 21 | Jeffrey S. Dunn) | T. d. 1 | | |
| 23 | 31 | Exhibit 31 to the Williams MSJ Opp. Decl. (Expert Report of | Entire document | See Exhibit 3 to the Nadolenco MSJ Declaration (Ref. No. 1). | |
| 24 | | Matthew Turk, Ph.D.) | | Wiss Deciaration (Net. 190, 1). | |
| 25 | 32 | Exhibit 32 to the Williams MSJ | Entire document | See Exhibit 9 to the Nadolenco | |
| | | Opp. Decl. (Expert Report of | | MSJ Declaration (Ref. No. 7). | |
| 26 | | Dr. Atif Hashmi) | | | |
| 27 | 33 | Exhibit 33 to the Williams MSJ | Pages 126:9-13; | See Exhibit 6 to the Nadolenco | |
| 28 | | Opp. Decl. (October 26, 2017 | 126:17-23; 126:25; | MSJ Declaration (Ref. No. 4). | |

| 1 | | Plaintiffs' Opposition to F | | Summary Judgment |
|-----|-----|----------------------------------|------------------------------------|--|
| 2 | | | (Dkt. 341) | |
| 2 | | _ | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | Deposition Transcript of Omry | 127:5-11; 127:13; | E 1 11 1 22 1 1 WYW MGI |
| 5 | | Yadan) | 127:16-20; 127:22- | Exhibit 33 to the Williams MSJ |
| 3 | | | 128:9; 128:12-17; | Opp. Declaration includes a |
| 6 | | | 128:19-129:3; 129:6-14; 129:16- | complete copy of Mr. Yadan's deposition transcript, of which 4 |
| 7 | | | 25 to the excerpts | pages are cited in plaintiffs' |
| 0 | | | submitted by | brief. The non-cited pages have |
| 8 | | | Facebook; and non- | no bearing on the issues to be |
| 9 | | | cited pages in their | decided on this motion and |
| 10 | | | entirety | should be sealed for this |
| | | | | additional reason. See CreAgri, |
| 11 | | | | Inc., 2014 WL 27028, at |
| 12 | | | | *2 (granting motion to seal |
| 13 | | | | portion of document that would "not further the public's |
| 13 | | | | understanding of the reasoning |
| 14 | | | | underlying the Court's |
| 15 | | | | decisions"). Nadolenco Sealing |
| 1.6 | | | | Decl. ¶ 18. |
| 16 | 34 | Exhibit 34 to the Williams MSJ | Page 160 to the | See Exhibit 11 to the Nadolenco |
| 17 | | Opp. Decl. (February 26, 2018 | excerpts submitted | MSJ Declaration (Ref. No. 9). |
| 18 | | Deposition Transcript of Jeffrey | by Facebook; and | |
| | | S. Dunn) | non-cited pages in | Exhibit 34 to the Williams MSJ |
| 19 | | | their entirety | Opp. Declaration includes a complete copy of Mr. Taigman's |
| 20 | | | | deposition transcript, of which 1 |
| 21 | | | | page is cited in plaintiffs' brief. |
| | | | | The non-cited pages have no |
| 22 | | | | bearing on the issues to be |
| 23 | | | | decided on this motion and |
| 24 | | | | should be sealed for this |
| | | | | additional reason. See CreAgri, |
| 25 | | | | Inc., 2014 WL 27028, at *2 (granting motion to seal |
| 26 | | | | portion of document that would |
| 27 | | | | "not further the public's |
| | | | | understanding of the reasoning |
| 28 | | | 20 | |

| 1 | Plaintiffs' Opposition to Facebook's Motion for Summary Judgment | | | | |
|-----|--|--------------------------------|---------------------------|---|--|
| 2 | | | (Dkt. 341) Portions to be | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | |
| | 110. | Bocument | Sealeu | underlying the Court's | |
| 4 | | | | decisions"). Nadolenco Sealing | |
| 5 | | | | Decl. ¶ 19. | |
| 6 | 35 | Exhibit 35 to the Williams MSJ | Entire document | Exhibit 35 to the Williams MSJ | |
| | | Opp. Decl. | | Opp. Declaration contains | |
| 7 | | (FBBIPA_00009590) | | information relating to the details | |
| 8 | | | | of Facebook's network | |
| 9 | | | | architecture and its facial recognition technology, which | |
| | | | | Facebook has designated as | |
| 10 | | | | "Confidential" or "Highly | |
| 11 | | | | Confidential – Attorneys' Eyes | |
| 12 | | | | Only" pursuant to the Protective | |
| 1.2 | | | | Order. Public release of this | |
| 13 | | | | information would cause | |
| 14 | | | | Facebook harm by providing competitors with insight into | |
| 15 | | | | how Facebook designs its | |
| | | | | computer systems and its | |
| 16 | | | | proprietary facial-recognition | |
| 17 | | | | technology. Further, public | |
| 18 | | | | disclosure of information related | |
| | | | | to Facebook's network | |
| 19 | | | | architecture and how its architecture is used in connection | |
| 20 | | | | with facial recognition could put | |
| 21 | | | | Facebook and the people who | |
| 22 | | | | use Facebook at increased risk of | |
| 22 | | | | cyber attack by malicious actors. | |
| 23 | | | | Yadan Decl. ¶ 34; Nadolenco | |
| 24 | 36 | Exhibit 36 to the Williams MSJ | Entire decument | Sealing Decl. ¶¶ 11-12. Exhibit 36 to the Williams MSJ | |
| 25 | 30 | Opp. Decl. | Entire document | Opp. Declaration contains | |
| | | (FBBIPA_00008876) | | confidential information and | |
| 26 | | , | | discussions relating to | |
| 27 | | | | Facebook's product and | |
| 28 | | | | marketing strategies. Public | |
| 20 | | | 2.1 | | |

| 1 | Plaintiffs' Opposition to Facebook's Motion for Summary Judgment | | | | |
|----|--|--------------------------------|------------------------|--|--|
| 2 | (Dkt. 341) | | | | |
| 2 | | | Portions to be | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | |
| 4 | | | | release of this information would | |
| | | | | cause Facebook harm by | |
| 5 | | | | providing competitors with | |
| 6 | | | | insight into Facebook's product | |
| 7 | | | | and marketing strategies. | |
| 7 | | | | Nadolenco Sealing Decl. ¶¶ 11- | |
| 8 | 37 | Exhibit 38 to the Williams MSJ | Entire document | 12. Exhibit 38 to the Williams MSJ | |
| 9 | 37 | Opp. Decl. | Entire document | Opp. Declaration contains | |
| | | (FBBIPA_00038325) | | communications with a | |
| 10 | | (| | government entity concerning its | |
| 11 | | | | facial-recognition technology, | |
| 12 | | | | which are maintained as | |
| 12 | | | | confidential by both sides to the | |
| 13 | | | | communication. Public release | |
| 14 | | | | of this information would cause | |
| | | | | Facebook harm by providing | |
| 15 | | | | competitors with insight into | |
| 16 | | | | how Facebook implements its | |
| 17 | | | | proprietary facial-recognition technology. Yadan Decl. ¶ 34; | |
| 17 | | | | Nadolenco Sealing Decl. ¶¶ 11- | |
| 18 | | | | 12. | |
| 19 | | <u>I</u> | 1 | 1 | |
| 20 | | Facebook's Reply in Sup | port of Its Motion for | Summary Judgment | |
| | | 1 accook a reepty in sup | (Dkt. 349) | zamini, vaagment | |
| 21 | | | Portions to be | | |

| Facebook's Reply in Support of Its Motion for Summary Judgment | | | | | |
|--|--------------------------------|----------------------|----------------------------------|--|--|
| (Dkt. 349) | | | | | |
| | | Portions to be | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | |
| 38 | Facebook's Reply in Support of | Pages 7:2-6; 7:13- | The designated portions of | | |
| Its Motion for Summary | | 17; 7:19-8:1; 10:11- | Facebook's Reply in Support of | | |
| Judgment | | 11:1; 11:8-12; | Its Motion for Summary | | |
| | | 11:14-21; 12:1-5; | Judgment reference or discuss | | |
| | | or portions thereof | the information contained in the | | |
| | | | expert reports, exhibits, | | |
| | | | declarations, and confidential | | |
| | | | deposition testimony that | | |

| 1 | Facebook's Reply in Support of Its Motion for Summary Judgment | | | | | | |
|----|--|----------|----------------|------------------------------------|--|--|--|
| 2 | (Dkt. 349) | | | | | | |
| 2 | | | Portions to be | | | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | | | |
| 4 | | | | Facebook seeks to seal. Public | | | |
| • | | | | release of this information would | | | |
| 5 | | | | cause Facebook harm by | | | |
| 6 | | | | providing competitors with | | | |
| | | | | insight into how Facebook | | | |
| 7 | | | | designs its computer systems and | | | |
| 8 | | | | its proprietary facial-recognition | | | |
| | | | | technology. Yadan Decl. ¶ 34; | | | |
| 9 | | | | Nadolenco Sealing Decl. ¶¶ 24- | | | |
| 10 | | | | 25. | | | |

FACEBOOK'S MOTION TO EXCLUDE PORTIONS OF THE EXPERT REPORT, OPINIONS, AND TESTIMONY OF DR. ATIF HASHMI

| Mot | Motion to Exclude Portions of the Expert Report, Opinions, and Testimony of Dr. Atif Hashmi | | | | | | |
|-----|---|-------------------|--------------------------------|--|--|--|--|
| | (Dkt. 302) | | | | | | |
| | | Portions to be | | | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | | | |
| 39 | Exhibit 1 to the Declaration of | Entire document | See Exhibit 9 to the Nadolenco | | | | |
| | John Nadolenco in Support of | | MSJ Declaration (Ref. No. 7). | | | | |
| | Facebook's Motion to Exclude | | | | | | |
| | Portions of the Expert Report, | | | | | | |
| | Opinions, and Testimony of Dr. | | | | | | |
| | Atif Hashmi ("Nadolenco | | | | | | |
| | Hashmi Decl.") (Expert Report | | | | | | |
| | of Dr. Atif Hashmi) | | | | | | |
| 40 | Exhibit 2 to the Nadolenco | Entire document | See Exhibit 8 to the Nadolenco | | | | |
| | Hashmi Decl. (excerpts from | | MSJ Declaration (Ref. No. 6). | | | | |
| | the February 23, 2018 | | | | | | |
| | Deposition of Dr. Atif Hashmi) | | | | | | |
| 41 | Exhibit 3 to the Nadolenco | Pages 84:11-25; | See Exhibit 6 to the Nadolenco | | | | |
| | Hashmi Decl. (excerpts from | 121:1-122:3; | MSJ Declaration (Ref. No. 4). | | | | |
| | the October 26, 2017 | 122:11-25; 149:5- | | | | | |
| | Deposition Transcript of Omry | 150:9; 150:17-21; | | | | | |
| | Yadan) | 150:25-151:5; | | | | | |
| | | 156:1-25; 169:20- | | | | | |

| 1 | Motion to Exclude Portions of the Expert Report, Opinions, and Testimony of Dr. Atif Hashmi (Dkt. 302) | | | | | |
|-----|--|--------------------------------|---------------------------------------|----------------------------------|--|--|
| 2 | Portions to be | | | | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | | |
| | 1101 | 2 ocument | 171:3; 171:5-12; | Componing reasons for Searing | | |
| 4 | | | 171:16-25; 172:4- | | | |
| 5 | | | 25; 173:9-23; 184:2- | | | |
| 6 | | | 186:11; 220:1-25; | | | |
| 6 | | | 221:3-7; 221:13-17; | | | |
| 7 | | | 221:19-23; 222:5- | | | |
| 8 | | | 14; 223:12-224:8; | | | |
| | | | 224:15-25; 228:11- | | | |
| 9 | | | 229:25; 236:1- | | | |
| 10 | | | 237:24; 238:2-24; | | | |
| | | | 239:1-242:25; | | | |
| 11 | | | 307:1-308:8; | | | |
| 12 | | | 308:15-25; or | | | |
| | - 10 | | portions thereof | | | |
| 13 | 42 | Exhibit 4 to the Nadolenco | Pages 128:11-16; | See Exhibit 5 to the Nadolenco | | |
| 14 | | Hashmi Decl. (excerpts from | 130:12-25; 140:1- | MSJ Declaration (Ref. No. 3). | | |
| 1.5 | | the October 18, 2016 | 25; 159:1-164:25; | | | |
| 15 | | Deposition Transcript of Yaniv | 165:2-167:25; 171:14-173:25; | | | |
| 16 | | Taigman) | 171:14-173:23; 195:1-25; 217:2-25; | | | |
| 17 | | | 230:9-24; 238:2-3; | | | |
| 1 / | | | 238:6-13; 238:15- | | | |
| 18 | | | 239:25; 273:1- | | | |
| 19 | | | 274:11; 283:2- | | | |
| | | | 284:25; or portions | | | |
| 20 | | | thereof | | | |
| 21 | 43 | Exhibit 9 to the Nadolenco | Entire document | See Exhibit 3 | | |
| 22 | | Hashmi Decl. (Expert Report of | | to the Nadolenco MSJ | | |
| 22 | | Matthew Turk, Ph. D.) | | Declaration (Ref. No. 1). | | |
| 23 | 44 | Facebook's Motion to Exclude | Pages 1:6-12; 1:14- | The designated portions of | | |
| 24 | | Portions of the Expert Report, | 20; 2:18-26; 3:1-2; | Facebook's Motion to Exclude | | |
| _ | | Opinions, and Testimony of Dr. | 3:10-13; 3:24-25; | Portions of the Expert Report, | | |
| 25 | | Atif Hashmi | 4:1-5:3; 5:6-27; 6:1- | Opinions, and Testimony of Dr. | | |
| 26 | | | 17; 6:25-26; 8:5-22; | Atif Hashmi reference or discuss | | |
| | | | 8:24-9:3; 9:12-15; | the information contained in the | | |
| 27 | | | 9:18-23; 9:25-10:2; | discovery responses, expert | | |
| 28 | | | 10:5-6; 10:14-11:1; | reports, and confidential | | |

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Motion to Exclude Portions of the Expert Report, Opinions, and Testimony of Dr. Atif Hashmi (Dkt. 302)

| | | Portions to be | |
|-----|----------|---------------------|-----------------------------------|
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | | 11:3-8; 11:11-14; | deposition testimony of Hashmi, |
| | | 11:18-19; 11:21-28; | Yadan, and Taigman that |
| | | 12:3-6; 12:22-27; | Facebook seeks to seal. Public |
| | | 13:4-7; 13:11-17; | release of this information would |
| | | 13:24-14:4; 14:8- | cause Facebook harm by |
| | | 22; 8:14-22; 14:25- | providing competitors with |
| | | 15:1; 15:3-9; or | insight into how Facebook |
| | | portions thereof | designs its computer systems |
| | | | and its proprietary facial- |
| | | | recognition technology. Yadan |
| | | | Decl. ¶ 34; Nadolenco Sealing |
| | | | Decl. ¶¶ 24-25. |

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Plaintiffs' Opposition to Facebook's Motion to Exclude Portions of the Expert Report, Opinions, and Testimony of Dr. Atif Hashmi
(Dkt. 342)

14

| 15 | | | Portions to be | |
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| 13 | No. | Document | Sealed | Com |
| 16 | 45 | Plaintiffs' Opposition to | Pages 2:4-5; 2:15- | The d |
| 17 | | Facebook's Motion to Exclude | 21; 2:26-28; 4:16- | Plaint |
| | | Portions of the Expert Report, | 20; 5:23-6:25; 6:27- | Faceb |
| 18 | | Opinions, and Testimony of Dr. | 28; 7:1-24; 8:5-15; | Portio |
| 19 | | Atif Hashmi | 8:24-28; 9:11-10:1; | Opini |
| 1) | | | 10:3-12; 12:3-9; | Atif I |
| 20 | | | 12:12-17; 12:24- | the in |
| 21 | | | 13:1; or portions | disco |
| 21 | | | thereof | repor |
| 22 | | | | depos |
| 23 | | | | Turk, |
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| 23 | | | | provi |

apelling Reasons for Sealing designated portions of ntiffs' Opposition to book's Motion to Exclude ons of the Expert Report, ions, and Testimony of Dr. Hashmi reference or discuss nformation contained in the overy responses, expert rts, and confidential sition testimony of Hashmi, , Yadan, and Dunn that book seeks to seal. Public se of this information would e Facebook harm by iding competitors with insight into how Facebook

designs its computer systems and

its proprietary facial-recognition

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| Plain | Plaintiffs' Opposition to Facebook's Motion to Exclude Portions of the Expert Report, Opinions, | | | | | | |
|-------|---|----------------|--------------------------------|--|--|--|--|
| | and Testimony of Dr. Atif Hashmi | | | | | | |
| | (Dkt. 342) | | | | | | |
| | | Portions to be | | | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | | | |
| | | | technology. Yadan Decl. ¶ 34; | | | | |
| | | | Nadolenco Sealing Decl. ¶¶ 24- | | | | |

| No. | Document Sealed | | Compelling Reasons for Sealing |
|-----|---------------------------------|-----------------|---------------------------------|
| | | | technology. Yadan Decl. ¶ 34; |
| | | | Nadolenco Sealing Decl. ¶¶ 24- |
| | | | 25. |
| 46 | Exhibit 2 to the Declaration of | Entire document | See Exhibit 8 to the Nadolenco |
| | Corban S. Rhodes in Opposition | | MSJ Declaration (Ref. No. 6). |
| | to Facebook's Motions to | | |
| | Exclude and/or Strike Opinions | | |
| | of Dr. Atif Hashmi and Jeffrey | | |
| | Dunn ("Rhodes Decl.") | | |
| | (excerpts of February 23, 2018 | | |
| | transcript of Deposition | | |
| | Transcript of Dr. Atif Hashmi) | | |
| 47 | Exhibit 8 to the Rhodes Decl. | Entire document | See Exhibit 28 to the Williams |
| | (excerpts of transcript of | | MSJ Opp. Declaration (Ref. No. |
| | February 28, 2018 Deposition | | 29). |
| | Transcript of Matthew Turk, | | |
| | Ph.D.) | | |
| 48 | Exhibit 9 to the Rhodes Decl. | Entire document | See Exhibit 6 to the Nadolenco |
| | (excerpts of transcript of | | MSJ Declaration (Ref. No. 4). |
| | October 26, 2017 Deposition | | |
| | Transcript of Omry Yadan) | | |
| 49 | Exhibit 10 to the Rhodes Decl. | Entire document | See Exhibit 11 to the Nadolenco |
| | (excerpts of transcript of | | MSJ Declaration (Ref. No. 9). |
| | February 26, 2018 Deposition | | |
| | Transcript of Jeffrey S. Dunn) | | |

| Facebook's Reply in Support of Its Motion to Exclude Hashmi | | | | | | | |
|---|----------------|--|-----|---|---|----------|----|
| | (Dkt. 352) | | | | | | |
| D | Portions to be | | 11. | D | C | с | 1. |

| No. | Document | Portions to be Sealed | Compelling Reasons for Sealing |
|-----|--|--------------------------|--|
| 50 | Exhibit 14 to the Supplemental Declaration of John Nadolenco in Support of Facebook's Opposition to Plaintiffs' Motion to Exclude Hashmi ("Supp. | Entire document | See Exhibit 4 to the Nadolenco MSJ Declaration (Ref. No. 2). |

| Facebook's Reply in Support of Its Motion to Exclude Hashmi (Dkt. 352) | | | | | |
|--|--------------------------------|--------------------------|----------------------------------|--|--|
| No. | Document | Portions to be Sealed | Compelling Reasons for Sealing | | |
| | Nadolenco Hashmi Decl.") | | | | |
| | (Expert Rebuttal Report of | | | | |
| | Matthew Turk, Ph.D.) | | | | |
| 51 | Exhibit 16 to the Supp. | Entire document | See Exhibit 8 to the Nadolenco | | |
| | Nadolenco Hashmi Decl. | | MSJ Declaration (Ref. No. 6). | | |
| | (excerpts of the February 23, | | | | |
| | 2018 Deposition Transcript of | | | | |
| | Dr. Atif Hashmi) | | | | |
| 52 | Facebook's Reply in Support of | Pages 2:14-20; | The designated portions of | | |
| | its Motion to Exclude | 3:17-22; 3:24-4:17; | Facebook's Reply in Support of | | |
| | | 4:23-5:2; 5:12-21; | its Motion to Exclude reference | | |
| | | 9:2-3; 9:6-11; 9: | or discuss the information | | |
| | | 13-14; 9:17-18; | contained in the expert reports, | | |
| | | 10:10-11; or | and confidential deposition | | |
| | | portions thereof | testimony that Facebook seeks to | | |
| | | | seal. Public release of this | | |
| | | | information would cause | | |
| | | | Facebook harm by providing | | |
| | | | competitors with insight into | | |
| | | | how Facebook designs its | | |
| | | | computer systems and its | | |
| | | | proprietary facial-recognition | | |
| | | | technology. Yadan Decl. ¶ 34; | | |
| | | | Nadolenco Sealing Decl. ¶¶ 24- | | |
| | | | 25. | | |

FACEBOOK'S MOTION TO STRIKE AND/OR EXCLUDE THE EXPERT REPORT OF JEFFREY S. DUNN

| | Facebook's Motion to Strike and/or Exclude the Expert Report of Jeffrey S. Dunn | | | | | |
|-----|---|-----------------|--------------------------------|--|--|--|
| | (Dkt. 305) | | | | | |
| | Portions to be | | | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | | |
| 53 | Exhibit 1 to the Declaration of | Entire document | See Exhibit 7 to the Nadolenco | | | |
| | John Nadolenco in Support of | | MSJ Declaration (Ref. No. 5). | | | |
| | Facebook's Motion to Strike | | | | | |
| | and/or Exclude the Expert | | | | | |

| 1 | | Facebook's Motion to Strike and | d/or Exclude the Exper (Dkt. 305) | t Report of Jeffrey S. Dunn |
|----|----------|--|--|--------------------------------|
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | Report of Jeffrey S. Dunn | | |
| _ | | ("Nadolenco Dunn | | |
| 5 | | Declaration") (Expert Report of | | |
| 6 | <u> </u> | Jeffrey S. Dunn) | D 04.11.25 | |
| 7 | 54 | Exhibit 2 to the Nadolenco | Pages 84:11-25; | See Exhibit 6 to the Nadolenco |
| | | Dunn Declaration (excerpts from the October 26, 2017 | 121:1-122:3; 122:11-25; 149:5- | MSJ Declaration (Ref. No. 4). |
| 8 | | Deposition Transcript of Omry | 150:9; 150:17-21; | |
| 9 | | Yadan) | 150:25-151:5; | |
| | | T dddii) | 156:1-25; 169:20- | |
| 10 | | | 171:3; 171:5-12; | |
| 11 | | | 171:16-25; 172:4- | |
| 12 | | | 25; 173:9-23; | |
| 12 | | | 184:2-186:11; | |
| 13 | | | 186:23-25; 219:1-3; | |
| 14 | | | 219:10-21; 220:1- | |
| | | | 25; 221:3-7; | |
| 15 | | | 221:13-17; 221:19- | |
| 16 | | | 23; 222:5-14; | |
| 17 | | | 223:12-224:25; 228:1-229:25; | |
| 1/ | | | 236:1-238:24; | |
| 18 | | | 239:1-25; 241:1- | |
| 19 | | | 242:25; 307:1- | |
| | | | 308:8; 308:15-25 | |
| 20 | 55 | Exhibit 3 to the Nadolenco | Pages 128:11-16; | See Exhibit 5 to the Nadolenco |
| 21 | | Dunn Declaration (excerpts of | 130:1-25; 140:1-25; | MSJ Declaration (Ref. No. 3). |
| 22 | | transcript of October 18, 2016 | 159:1-164:25; | |
| | | Deposition of Transcript Yaniv | 165:2-167:25; | |
| 23 | | Taigman) | 171:14-173:25; | |
| 24 | | | 194:14-195:25; | |
| 25 | | | 217:2-25; 230:9-24; 238:2-3; 238:6-13; | |
| 25 | | | 238:15-239:25; | |
| 26 | | | 273:1-274:11; | |
| 27 | | | 283:2-284:25; or | |
| | | | portions thereof | |
| 28 | <u> </u> | I | 20 | |

| | (Dkt. 305) | | | | |
|-----------|------------|--|--|---|--|
| | | | Portions to be | | |
| | No. | Document | Sealed | Compelling Reasons for Sealing | |
| . T | 56 | Exhibit 6 to the Nadolenco | Entire document | See Exhibit 8 to the Nadolenco | |
| | | Dunn Declaration (excerpts of | | MSJ Declaration (Ref. No. 6). | |
| 5 | | transcript of February 23, 2018 | | | |
| 5 | | Deposition Transcript of Dr. | | | |
| , - | | Atif Hashmi) | To the state of th | | |
| | 57 | Exhibit 7 to the Nadolenco | Entire document | See Exhibit 3 to the Nadolenco | |
| 3 | | Dunn Declaration (Expert | | MSJ Declaration (Ref. No. 1). | |
| , | 58 | Report of Matthew Turk, Ph.D.) Exhibit 8 to the Nadolenco | Entire document | See Exhibit 9 to the Nadolenco | |
| | 36 | Dunn Declaration (Expert | Entire document | MSJ Declaration (Ref. No. 7). | |
|) | | Report of Dr. Atif Hashmi) | | Wiss Declaration (Ref. 140. 7). | |
| | 59 | Exhibit 9 to the Nadolenco | Entire document | See Exhibit 11 to the Nadolenco | |
| , | | Dunn Declaration (excerpts | | MSJ Declaration (Ref. No. 9). | |
| 2 | | from the February 26, 2018 | | , | |
| 3 | | Deposition Transcript of Jeffrey | | | |
| ₊∥∟ | | S. Dunn) | | | |
| | 60 | Motion to Strike and/or Exclude | Pages 2:9-19; 2:26- | The designated portions of | |
| 5 | | the Expert Report of Jeffrey S. | 28; 3:3-22; 4:11-26; | Facebook's Motion to Strike | |
| 5 | | Dunn | 5:1-2; 5:4-14; 5:16- | and/or Exclude the Expert | |
| , | | | 27; 6:1-25; 8:4-5; | Report of Jeffrey S. Dunn | |
| 7 | | | 8:15-9:1; 9:24-27; | reference or discuss the | |
| 3 | | | 10:20-23; 10:26- 11:2; 11:5-8; 11:11- | information contained in the expert reports, and confidential | |
| , | | | 16; 12:2-5; 12:9-15; | deposition testimony that | |
| | | | 13:6-9; 13:11-19; | Facebook seeks to seal. Public | |
|) | | | 13:24-14:4; 14:11- | release of this information would | |
| . | | | 15:2; or portions | cause Facebook harm by | |
| $\ \ $ | | | thereof | providing competitors with | |
| 2 | | | | insight into how Facebook | |
| 3 | | | | designs its computer systems and | |
| . | | | | its proprietary facial-recognition | |
| | | | | technology. Yadan Decl. ¶ 34; | |
| 5 | | | | Nadolenco Sealing Decl. ¶¶ 24- | |
| , L | | | | 25. | |

27

| Jeffrey S. Dunn | | | | |
|-----------------|---------------------------------|----------------------|-----------------------------------|--|
| | | (Dkt. 343) | | |
| | | Portions to be | | |
| No. | Document | Sealed | Compelling Reasons for Sealin | |
| 61 | Plaintiffs' Opposition to | Pages 1:8-18; 1:20- | The designated portions of | |
| | Facebook's Motion to Strike | 25; 2:1-4; 2:12-14; | Plaintiffs' Opposition to | |
| | and/or Exclude the Expert | 2:20-3:16; 3:18-24; | Facebook's Motion to Strike | |
| | Report of Jeffrey S. Dunn | 3:27-4:14; 4:16-5:7; | and/or Exclude the Expert | |
| | | 5:28-6:6; 6:8-13; | Report of Jeffrey S. Dunn | |
| | | 6:16-22; 7:2-6; | reference or discuss the | |
| | | 7:13-25; 8:1-6; | information contained in the | |
| | | 8:11-26; 9:20-23; | expert reports, and confidential | |
| | | 9:25-26; 10:2-10; | deposition testimony that | |
| | | 10:19-11:15; 11:18- | Facebook seeks to seal. Public | |
| | | 24; 12:6-16; 12:18- | release of this information wou | |
| | | 13:13; 13:15-24; | cause Facebook harm by | |
| | | 13:27-28; 14:10-18; | providing competitors with | |
| | | 14:21-28; 15:2-18; | insight into how Facebook | |
| | | 15:24-28; or | designs its computer systems ar | |
| | | portions thereof | its proprietary facial-recognitio | |
| | | | technology. Yadan Decl. ¶ 34; | |
| | | | Nadolenco Sealing Decl. ¶¶ 24 | |
| | | | 25. | |
| 62 | Exhibit 2 to the Rhodes Decl. | Entire document | See Exhibit 8 to the Nadolenco | |
| | (excerpts from the February 23, | | MSJ Declaration (Ref. No. 6). | |
| | 2018 Deposition Transcript of | | | |
| | Dr. Atif Hashmi) | D. J. | G P 171 20 : 4 WY | |
| 63 | Exhibit 8 to the Rhodes Decl. | Entire document | See Exhibit 28 to the Williams | |
| | (excerpts from the February 28, | | MSJ Opp. Declaration (Ref. No | |
| | 2018 Deposition Transcript of | | 29). | |
| - A | Matthew Turk, Ph.D.) | T. C. 1 | | |
| 64 | Exhibit 9 to the Rhodes Decl. | Entire document | See Exhibit 6 to the Nadolenco | |
| | (excerpts from the October 26, | | MSJ Declaration (Ref. No. 4). | |
| | 2017 Deposition Transcript of | | | |
| <u> </u> | Omry Yadan) | Entine 1 | C. F.19.5.44 / A. N. 1.1 | |
| 65 | Exhibit 10 to the Rhodes Decl. | Entire document | See Exhibit 11 to the Nadolence | |
| | (excerpts from the February 26, | | MSJ Declaration (Ref. No. 9). | |
| | 2018 Deposition Transcript of | | | |

| 1 | Escaposk's Donly in Support of Its Motion to Strike and/or Evalues the Evport Donort of | | | | | | | | |
|----|---|---|-------------------------------|--|--|--|--|--|--|
| 2 | F | Facebook's Reply in Support of Its Motion to Strike and/or Exclude the Expert Report of Jeffrey S. Dunn | | | | | | | |
| 3 | | (Dkt. 354) | | | | | | | |
| | | | Portions to be | | | | | | |
| 4 | No. | Document | Sealed | Compelling Reasons for Sealing | | | | | |
| 5 | 66 | Exhibit 11 to the Supplemental | Entire document | See Exhibit 11 to the Nadolenco | | | | | |
| 6 | | Declaration of John Nadolenco | | MSJ Declaration (Ref. No. 9). | | | | | |
| 7 | | (excerpts from February 26, | | | | | | | |
| 7 | | 2018 Deposition Transcript of Jeffrey S. Dunn) | | | | | | | |
| 8 | 67 | Facebook's Reply in Support of | Pages 1:6-8; 1:25- | The designated portions of | | | | | |
| 9 | 07 | Its Motion to Motion to Strike | 2:3; 3:11-13; 4:7- | Facebook's Reply in Support of | | | | | |
| | | and/or Exclude the Expert | 10; 5:3-7; 6:20; | Its Motion to Motion to Strike | | | | | |
| 10 | | Report of Jeffrey S. Dunn | 6:26-7:1; 7:11-16; | and/or Exclude the Expert | | | | | |
| 11 | | | 7:21-24; 7:25-26; | Report of Jeffrey S. Dunn | | | | | |
| 12 | | | 8:6-14; 8:16-20; | reference or discuss the | | | | | |
| | | | 9:7-11; 9:14-19; | information contained in the | | | | | |
| 13 | | | 10:1-3; 10:8-9; | expert reports, and confidential | | | | | |
| 14 | | | 10:15-21; or portions thereof | deposition testimony that Facebook seeks to seal. Public | | | | | |
| 15 | | | portions thereof | release of this information would | | | | | |
| 13 | | | | cause Facebook harm by | | | | | |
| 16 | | | | providing competitors with | | | | | |
| 17 | | | | insight into how Facebook | | | | | |
| 10 | | | | designs its computer systems and | | | | | |
| 18 | | | | its proprietary facial-recognition | | | | | |
| 19 | | | | technology. Yadan Decl. ¶ 34; | | | | | |
| 20 | | | | Nadolenco Sealing Decl. ¶¶ 24- | | | | | |
| | | | | 25. | | | | | |

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

| Plaintiffs' Motion for Partial Summary Judgment | | | | | |
|---|----------------------------------|----------------------|----------------------------------|--|--|
| (Dkt. 307) | | | | | |
| Portions to be | | | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | |
| 68 | Plaintiffs' Notice of Motion and | Pages i:13-14; i:17- | The designated portions of | | |
| | Motion for Partial Summary | 18; 2:17-20; 3:1; | Plaintiffs' Notice of Motion and | | |
| | Judgment | 3:13-14; 4:2-21; | Motion for Partial Summary | | |
| | | 5:1-2; 5:4-11; 8:8- | Judgment reference or discuss | | |

| 1 | Plaintiffs' Motion for Partial Summary Judgment | | | | | | |
|-----|---|---------------------------------|---|---|--|--|--|
| 2 | (Dkt. 307) | | | | | | |
| | | | Portions to be | | | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | | | |
| 4 | | | 22; 9:1-25; 10:16- | the information contained in the | | | |
| 5 | | | 19; 10:21-11:20; 11:26-28; 12:15-21; | expert reports, and confidential | | | |
| | | | 13:9-12; 13:18- | deposition testimony that Facebook seeks to seal. Public | | | |
| 6 | | | 14:24; 15:1-17; | release of this information would | | | |
| 7 | | | 15:19-20; 15:25-28; | cause Facebook harm by | | | |
| 8 | | | 16:10-12; 17:16-26; | providing competitors with | | | |
| 0 | | | 18:1-8; or portions | insight into how Facebook | | | |
| 9 | | | thereof | designs its computer systems and | | | |
| 10 | | | | its proprietary facial-recognition | | | |
| 11 | | | | technology. Yadan Decl. ¶ 34; | | | |
| | | | | Nadolenco Sealing Decl. ¶¶ 24- 25. | | | |
| 12 | 69 | Exhibit 1 to the Declaration of | Entire document | Exhibit 1 to the Williams MSJ | | | |
| 13 | | Shawn Williams in Support of | | Declaration contains information | | | |
| 14 | | Plaintiffs' Motion for Partial | | relating to the details of | | | |
| | | Summary Judgment ("Williams | | Facebook's network architecture | | | |
| 15 | | MSJ Decl.") | | and its facial recognition | | | |
| 16 | | (FBBIPA_00009283) | | technology, which Facebook has | | | |
| 17 | | | | designated as "Confidential" or "Highly Confidential – | | | |
| 1 / | | | | Attorneys' Eyes Only" pursuant | | | |
| 18 | | | | to the Protective Order. Public | | | |
| 19 | | | | release of this information would | | | |
| 20 | | | | cause Facebook harm by | | | |
| 20 | | | | providing competitors with | | | |
| 21 | | | | insight into how Facebook | | | |
| 22 | | | | designs its computer systems and its proprietary facial-recognition | | | |
| 23 | | | | technology. Further, public | | | |
| | | | | disclosure of information related | | | |
| 24 | | | | to Facebook's network | | | |
| 25 | | | | architecture and how its | | | |
| 26 | | | | architecture is used in connection | | | |
| | | | | with facial recognition could put | | | |
| 27 | | | | Facebook and the people who | | | |
| 28 | | | 32 | use Facebook at increased risk of | | | |

| 1 | | | | | | | |
|----|---|-------------------------------|-----------------|--|--|--|--|
| | Plaintiffs' Motion for Partial Summary Judgment | | | | | | |
| 2 | (Dkt. 307) Portions to be | | | | | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | | | |
| 4 | | | | cyber attack by malicious actors. | | | |
| | | | | Yadan Decl. ¶ 34; Nadolenco | | | |
| 5 | | | | Sealing Decl. ¶¶ 11-12. | | | |
| 6 | 70 | Exhibit 3 to the Williams MSJ | Entire document | Exhibit 3 to the Williams MSJ | | | |
| 7 | | Decl. (FBBIPA_00038236) | | Declaration contains communications with a | | | |
| | | | | government entity concerning its | | | |
| 8 | | | | facial-recognition technology, which are maintained as | | | |
| 10 | | | | confidential by both sides to the | | | |
| | | | | communication. Public release | | | |
| 11 | | | | of this information would cause | | | |
| 12 | | | | Facebook harm by providing competitors with insight into | | | |
| 13 | | | | how Facebook implements its | | | |
| 14 | | | | proprietary facial-recognition | | | |
| | | | | technology. Yadan Decl. ¶ 34; | | | |
| 15 | | | | Nadolenco Sealing Decl. ¶¶ 11- | | | |
| 16 | 71 | Exhibit 6 to the Williams MSJ | Entire document | 12. Exhibit 6 to the Williams MSJ | | | |
| 17 | /1 | Decl. (FBBIPA_00005371) | Little document | Declaration discusses how | | | |
| 18 | | _ / | | Facebook's proprietary facial- | | | |
| | | | | recognition technology works | | | |
| 19 | | | | and the way in which Facebook's computer systems interact with | | | |
| 20 | | | | and support Facebook's facial- | | | |
| 21 | | | | recognition technology. Public | | | |
| 22 | | | | release of this information would | | | |
| 23 | | | | cause Facebook harm by providing competitors with | | | |
| | | | | insight into how Facebook | | | |
| 24 | | | | designs its computer systems and | | | |
| 25 | | | | its proprietary facial-recognition | | | |
| 26 | | | | technology. Yadan Decl. ¶ 34; | | | |
| 27 | | | | Nadolenco Sealing Decl. ¶¶ 11-12. | | | |
| 28 | 72 | Exhibit 8 to the Williams MSJ | Entire document | Exhibit 8 to the Williams MSJ | | | |

| 1 | Plaintiffs' Motion for Partial Summary Judgment | | | | | | |
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| 2 | | (Dkt. 307) | | | | | |
| 3 | No. | Document | Portions to be Sealed | Compelling Dessens for Seeling | | | |
| | NO. | Decl. (FBBIPA_00008884) | Sealed | Compelling Reasons for Sealing Decl. contains information | | | |
| 4 | | Been (1BBH 11_00000001) | | relating to the details of | | | |
| 5 | | | | Facebook's network architecture | | | |
| 6 | | | | and its facial recognition | | | |
| | | | | technology, which Facebook has | | | |
| 7 | | | | designated as "Confidential" or "Highly Confidential | | | |
| 8 | | | | "Highly Confidential – Attorneys' Eyes Only" pursuant | | | |
| 9 | | | | to the Protective Order. Public | | | |
| 10 | | | | release of this information would | | | |
| | | | | cause Facebook harm by | | | |
| 11 | | | | providing competitors with | | | |
| 12 | | | | insight into how Facebook designs its computer systems and | | | |
| 13 | | | | its proprietary facial-recognition | | | |
| 14 | | | | technology. Further, public | | | |
| 14 | | | | disclosure of information related | | | |
| 15 | | | | to Facebook's network | | | |
| 16 | | | | architecture and how its | | | |
| 17 | | | | architecture is used in connection with facial recognition could put | | | |
| | | | | Facebook and the people who | | | |
| 18 | | | | use Facebook at increased risk of | | | |
| 19 | | | | cyber attack by malicious actors. | | | |
| 20 | | | | Yadan Decl. ¶ 34; Nadolenco | | | |
| | 73 | Exhibit 9 to the Williams MSJ | Pages 131-32, 162, | Sealing Decl. ¶¶ 11-12. See Exhibit 28 to the Williams | | | |
| 21 | 13 | Decl. (February 28, 2018 | 178, 197, and 228 | MSJ Opp. Declaration (Ref. No. | | | |
| 22 | | Deposition Transcript of | to the excerpts | 29). | | | |
| 23 | | Matthew Turk) | submitted by | | | | |
| 24 | | | Facebook; and non- | Exhibit 9 to the Williams MSJ | | | |
| | | | cited pages in their | Declaration includes a complete | | | |
| 25 | | | entirety | copy of Mr. Taigman's deposition transcript, of which 6 | | | |
| 26 | | | | pages are cited in plaintiffs' | | | |
| 27 | | | | brief. The non-cited pages have | | | |
| 28 | | | | no bearing on the issues to be | | | |
| 20 | | | 34 | | | | |

| 1 | | Plaintiffs' Motion for Partial Summary Judgment | | | | | |
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| 2 | | (Dkt. 307) | | | | | |
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| 3 | No. | Document | Sealed | Compelling Reasons for Sealing decided on this motion and | | | |
| 4 | | | | should be sealed for this | | | |
| 5 | | | | additional reason. See CreAgri, | | | |
| | | | | <i>Inc.</i> , 2014 WL 27028, at | | | |
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| 7 | | | | portion of document that would | | | |
| 8 | | | | "not further the public's | | | |
| | | | | understanding of the reasoning | | | |
| 9 | | | | underlying the Court's | | | |
| 10 | | | | decisions"). Nadolenco Sealing Decl. ¶ 21. | | | |
| 11 | 74 | Exhibit 10 to the Williams MSJ | Entire document | See Exhibit 9 to the Nadolenco | | | |
| 12 | | Decl. (Expert Report of Dr. Atif | | MSJ Declaration (Ref. No. 7). | | | |
| 12 | 7.5 | Hashmi) | F . 1 | | | | |
| 13 | 75 | Exhibit 11 to the Williams MSJ | Entire document | See Exhibit 7 to the Nadolenco | | | |
| 14 | | Decl. (Expert Report of Jeffrey S. Dunn) | | MSJ Declaration (Ref. No. 5). | | | |
| 15 | 76 | Exhibit 12 to the Williams MSJ | Entire document | See Exhibit 3 to the Nadolenco | | | |
| 16 | | Decl. (Expert Report of | | MSJ Declaration (Ref. No. 1). | | | |
| 17 | 77 | Matthew Turk, Ph.D.) Exhibit 14 to the Williams MSJ | Entire document | Enhibit 14 to the Williams MCI | | | |
| | 77 | Decl. (FBBIPA_00011312) | Entire document | Exhibit 14 to the Williams MSJ Declaration contains information | | | |
| 18 | | Deci. (1 BBH /\(\frac{1}{2}\)00011312) | | relating to the details of | | | |
| 19 | | | | Facebook's network architecture | | | |
| 20 | | | | and its facial recognition | | | |
| | | | | technology, which Facebook has | | | |
| 21 | | | | designated as "Confidential" or | | | |
| 22 | | | | "Highly Confidential – | | | |
| 23 | | | | Attorneys' Eyes Only" pursuant to the Protective Order. Public | | | |
| | | | | release of this information would | | | |
| 24 | | | | cause Facebook harm by | | | |
| 25 | | | | providing competitors with | | | |
| 26 | | | | insight into how Facebook | | | |
| | | | | designs its computer systems and | | | |
| 27 | | | | its proprietary facial-recognition | | | |
| 28 | | | 35 | technology. Further, public | | | |

| Decl. (FBBIPA_00030855) Declaration discusses confidential details about Facebook's strategic plan for the Tag Suggestions feature. Publication release of this information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 11 12. The Exhibit 19 to the Williams MSJ Declaration references proprietary and confidential details about Facebook's image processing system. Publication release of this information would cause Facebook harm by providing competitors with | | | | | | |
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| No. Document Sealed Compelling Reasons for Sealing disclosure of information relate to Facebook's network architecture and how its architecture is used in connection with facial recognition could put Facebook and the people who use Facebook is strategic plan for the Tag Suggestion feature. Public release of this information wou cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 11 12. 79 Exhibit 19 to the Williams MSJ Declaration references proprietary and confidential details about Facebook's image processing system. Public release of this information wou cause Facebook harm by providing competitors with | 1 | , . | | | | |
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| architecture and how its architecture is used in connection with facial recognition could put Facebook and the people who use Facebook at increased risk cyber attack by malicious actor Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶ 11-12. 78 Exhibit 15 to the Williams MSJ Decl. (FBBIPA_00030855) 10 Tag Suggestions feature. Publi release of this information wou cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems at its proprietary facil-recognition technology. Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶ 11 12. 79 Exhibit 19 to the Williams MSJ Decl. (FBBIPA_00008127) Facebook's strategic plan for the technology. Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶ 11 12. 79 Exhibit 19 to the Williams MSJ Declaration references proprietary and confidential details about Facebook's image processing system. Public release of this information wou cause Facebook harm by providing competitors with information wou cause Facebook harm by providing competitors with | 4 | | | | | |
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| details about Facebook's image processing system. Public release of this information would cause Facebook harm by providing competitors with | 20 | | Decl. (FBBIPA_00008127) | | | |
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| 25 insight into how Facebook | 25 | | | | | |
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| its proprietary facial-recognition | 20 | | | | its proprietary facial-recognition | |
| | 27 | | | | technology. Yadan Decl. ¶ 34; | |
| Nadolenco Sealing Decl. ¶¶ 11 | 28 | | | _ | Nadolenco Sealing Decl. ¶¶ 11- | |

| 1 | | Plaintiffs' Motion for Partial Summary Judgment | | | | |
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| _ | 80 | Exhibit 20 to the Williams MSJ | Entire document | Exhibit 20 to the Williams MSJ | | |
| 5 | | Decl. (FBBIPA_00036963) | | Declaration contains information relating to the details of | | |
| 7 | | | | Facebook's network architecture and its facial recognition | | |
| 8 | | | | technology, which Facebook has | | |
| 9 | | | | designated as "Confidential" or "Highly Confidential – | | |
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| 15 | | | | technology. Further, public | | |
| 16 | | | | disclosure of information related to Facebook's network | | |
| 17 | | | | architecture and how its | | |
| 1 / | | | | architecture is used in connection | | |
| 18 | | | | with facial recognition could put | | |
| 19 | | | | Facebook and the people who | | |
| 20 | | | | use Facebook at increased risk of | | |
| | | | | cyber attack by malicious actors. | | |
| 21 | | | | Yadan Decl. ¶ 34; Nadolenco | | |
| 22 | 81 | Exhibit 21 to the Williams MSJ | Pages 239:1-7; | Sealing Decl. ¶¶ 11-12. See Exhibit 5 to the Nadolenco | | |
| 23 | | Decl. (October 18, 2016 | 239:9-25; 249:1; | MSJ Declaration (Ref. No. 3). | | |
| 24 | | Deposition Transcript of Yaniv | 249:2; 250:9-11; | | | |
| ∠+ | | Taigman) | 250:14-15; 252:21- | Exhibit 21 to the Williams MSJ | | |
| 25 | | | 23; 281:2-25 to the | Declaration includes a complete | | |
| 26 | | | excerpts submitted | copy of Mr. Taigman's | | |
| | | | by Facebook; and | deposition transcript, of which 6 | | |
| 27 | | | non-cited pages in | pages are cited in plaintiffs' | | |
| 28 | | | their entirety | brief. The non-cited pages have | | |

| 1 | Plaintiffs' Motion for Partial Summary Judgment | | | | |
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| | | | | additional reason. See CreAgri, | |
| 6 | | | | <i>Inc.</i> , 2014 WL 27028, at | |
| 7 | | | | *2 (granting motion to seal | |
| 8 | | | | portion of document that would | |
| | | | | "not further the public's | |
| 9 | | | | understanding of the reasoning | |
| 10 | | | | underlying the Court's decisions"). Nadolenco Sealing | |
| 11 | | | | Decl. ¶ 18. | |
| | 82 | Exhibit 24 to the Williams MSJ | Entire document | Exhibit 24 to the Williams MSJ | |
| 12 | | Decl. (FBBIPA_00009318) | | Declaration discusses | |
| 13 | | | | confidential details about | |
| 14 | | | | Facebook's strategic plan for the | |
| 1.5 | | | | Tag Suggestions feature and | |
| 15 | | | | include detailed statistics about the use of the Tag Suggestions | |
| 16 | | | | that are not publicly known | |
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| 10 | | | | would cause Facebook harm by | |
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| 21 | | | | its proprietary facial-recognition technology. Yadan Decl. ¶ 34; | |
| 21 | | | | Nadolenco Sealing Decl. ¶¶ 11- | |
| 22 | | | | 12. | |
| 23 | 83 | Exhibit 25 to the Williams MSJ | Entire document | Exhibit 25 to the Williams MSJ | |
| 24 | | Decl. (FBBIPA_00030648) | | Declaration contains confidential | |
| | | | | plans for potential future uses of | |
| 25 | | | | facial-recognition technology | |
| 26 | | | | that are not publicly known and have not been announced. | |
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| 1 | Plaintiffs' Motion for Partial Summary Judgment | | | | |
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| 7 | | | | proprietary facial-recognition | |
| ′ | | | | technology. Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶¶ 11- | |
| 8 | | | | 12. | |
| 9 | 84 | Exhibit 26 to the Williams MSJ | Entire document | Exhibit 26 to the Williams MSJ | |
| 10 | | Decl. (FBBIPA_00003483) | | Declaration contains confidential | |
| | | | | plans for potential future uses of | |
| 11 | | | | facial-recognition technology | |
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| 13 | | | | Public release of this information | |
| | | | | would cause Facebook harm by | |
| 14 | | | | providing competitors with | |
| 15 | | | | insight into how Facebook | |
| 1.0 | | | | designs its computer systems and | |
| 16 | | | | plans to implement its | |
| 17 | | | | proprietary facial-recognition | |
| 18 | | | | technology. Yadan Decl. ¶ 34; | |
| | | | | Nadolenco Sealing Decl. ¶¶ 11- | |
| 19 | 0.7 | | | 12. | |
| 20 | 85 | Exhibit 28 to the Williams MSJ | Entire document | Exhibit 28 to the Williams MSJ | |
| 21 | | Decl. (FBBIPA_00034037) | | Declaration discusses confidential details about | |
| 21 | | | | Facebook's strategic plan for the | |
| 22 | | | | Tag Suggestions feature Public | |
| 23 | | | | release of this information would | |
| 24 | | | | cause Facebook harm by | |
| | | | | providing competitors with | |
| 25 | | | | insight into how Facebook | |
| 26 | | | | designs its computer systems and | |
| | | | | its proprietary facial-recognition | |
| 27 | | | | technology. Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶¶ 11- | |
| 28 | | | 39 | Tradoreneo Scaring Deci. 11- | |

| 1 | | Plaintiffs' Motio | on for Partial Summa | ry Judgment |
|-----|-----|--------------------------------|----------------------|--|
| 2 | | | (Dkt. 307) | |
| 2 | 3.7 | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | 0.1 | | | 12. |
| 5 | 86 | Exhibit 30 to the Williams MSJ | Entire document | Exhibit 30 to the Williams MSJ |
| | | Decl. (FBBIPA_00009275) | | Declaration contains information relating to the details of |
| 6 | | | | Facebook's facial recognition |
| 7 | | | | technology, which Facebook has |
| 8 | | | | designated as "Confidential" or |
| 0 | | | | "Highly Confidential – |
| 9 | | | | Attorneys' Eyes Only" pursuant |
| 10 | | | | to the Protective Order. Public |
| 1.1 | | | | release of this information would |
| 11 | | | | cause Facebook harm by |
| 12 | | | | providing competitors with |
| 13 | | | | insight into how Facebook designs its computer systems and |
| 13 | | | | its proprietary facial-recognition |
| 14 | | | | technology. Further, public |
| 15 | | | | disclosure of information related |
| 16 | | | | to Facebook's network |
| 16 | | | | architecture and how its |
| 17 | | | | architecture is used in connection |
| 18 | | | | with facial recognition could put |
| | | | | Facebook and the people who |
| 19 | | | | use Facebook at increased risk of |
| 20 | | | | cyber attack by malicious actors. Exhibit 30 also contains detailed |
| 21 | | | | related to Facebook's marketing |
| | | | | strategies, including |
| 22 | | | | identification of competitors and |
| 23 | | | | the structure of revenue streams |
| 24 | | | | for an acquired company. Public |
| | | | | release of this information would |
| 25 | | | | cause Facebook harm by |
| 26 | | | | providing competitors with insight into how Facebook |
| 27 | | | | develops, markets, and |
| | | | | implements its proprietary facial- |
| 28 | | <u> </u> | 40 | r FF |

| 1 | Plaintiffs' Motion for Partial Summar | | | Judgment |
|----|---------------------------------------|--|---------------------------------------|--|
| 2 | | | (Dkt. 307) | |
| 2 | | _ | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | recognition technology. Yadan |
| 5 | | | | Decl. ¶ 34; Nadolenco Sealing Decl. ¶¶ 11-12. |
| 6 | | | | |
| 7 | | Facebook's Opposition to Pla | intiffs' Motion for Par (Dkt. 337) | tial Summary Judgment |
| 8 | | | Portions to be | |
| 9 | No. | Document | Sealed | Compelling Reasons for Sealing |
| | 87 | Exhibit 1 to the Declaration of | Entire document | See Exhibit 8 to the Nadolenco |
| 10 | | John Nadolenco in Support of | | MSJ Declaration (Ref. No. 6). |
| 11 | | Facebook's Opposition to Plaintiffs' Motion for Partial | | |
| 12 | | Summary Judgment | | |
| | | ("Nadolenco MSJ Opp. Decl.") | | |
| 13 | | (excerpts from the February 23, | | |
| 14 | | 2018 Deposition Transcript of | | |
| 15 | | Dr. Atif Hashmi) | | |
| | 88 | Exhibit 2 to the Nadolenco MSJ | Entire document | See Exhibit 11 to the Nadolenco |
| 16 | | Opp. Decl. (excerpts from the | | MSJ Declaration (Ref. No. 9). |
| 17 | | February 26, 2018 Deposition | | |
| 18 | 00 | Transcript of Jeffrey S. Dunn) | | |
| | 89 | Exhibit 3 to the Nadolenco MSJ | Entire document | See Exhibit 3 to the Nadolenco |
| 19 | | Opp. Decl. (Expert Report of Matthew Turk, Ph.D.) | | MSJ Declaration (Ref. No. 1). |
| 20 | 90 | Exhibit 4 to the Nadolenco MSJ | Pages 138:1- | See Exhibit 5 to the Nadolenco |
| 21 | | Opp. Decl. (excerpts from the | 141:25; 149:1- | MSJ Declaration (Ref. No. 3). |
| 22 | | October 18, 2016 Deposition | 153:25; 159:1- | |
| 22 | | Transcript of Yaniv Taigman) | 164:25; 165:2- | |
| 23 | | | 167:25; 171:14- 172:25; 237:2-12; | |
| 24 | | | 237:15-23; 239:1- | |
| | | | 25; 281:2-25; | |
| 25 | | | 366:3-25; 367:4-25; | |
| 26 | | | or portions thereof | |
| 27 | 91 | Exhibit 6 to the Nadolenco MSJ Opp. Decl. (Expert Rebuttal | Entire document | See Exhibit 4 to the Nadolenco MSJ Declaration (Ref. No. 2). |

| 1 | Facebook's Opposition to Plaintiffs' Motion for Partial Summary Judgment | | | | |
|----|--|---|--------------------|--|--|
| 2 | | | (Dkt. 337) | | |
| | | _ | Portions to be | | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing | |
| 4 | | Report of Matthew Turk, Ph.D.) | D | | |
| 5 | 92 | Exhibit 7 to the Nadolenco MSJ | Entire document | See Exhibit 9 to the Nadolenco | |
| 3 | | Opp. Decl. (Expert Report of Dr. Atif Hashmi) | | MSJ Declaration (Ref. No. 7). | |
| 6 | 93 | Exhibit 8 to the Nadolenco MSJ | Pages 1:14-3:3; or | See Exhibit 10 to the Nadolenco | |
| 7 | | Opp. Decl. (January 25, 2018 | portions thereof | MSJ Declaration (Ref. No. 8). | |
| 8 | | Declaration of Omry Yadan) | P | | |
| 0 | 94 | Exhibit 9 to the Nadolenco MSJ | Entire document | Exhibit 9 to the Nadolenco MSJ | |
| 9 | | Opp. Decl. | | Opp. contains confidential | |
| 10 | | (FBBIPA_00005330) | | details regarding the nature of | |
| | | | | the templates associated with | |
| 11 | | | | Facebook's facial-recognition | |
| 12 | | | | technology. Public release of this information would cause | |
| 13 | | | | Facebook harm by providing | |
| | | | | competitors—particularly those | |
| 14 | | | | who also use facial | |
| 15 | | | | recognition—with insight into | |
| 16 | | | | Facebook's proprietary facial- | |
| | | | | recognition technology. 2d | |
| 17 | | | | Yadan Decl. ¶¶ 13; Nadolenco | |
| 18 | 95 | Evhibit 16 to the Nadelance | Entine de coment | Sealing Decl. ¶¶ 11-12. | |
| 19 | 93 | Exhibit 16 to the Nadolenco MSJ Opp. Decl. | Entire document | Exhibit 16 to the Nadolenco MSJ Opp. Declaration discusses | |
| | | (FBBIPA_00021843) | | confidential details about | |
| 20 | | (1 224 11_000210 15) | | Facebook's strategic plan for the | |
| 21 | | | | Tag Suggestions feature, | |
| 22 | | | | including confidential statistics | |
| | | | | regarding use of the feature. | |
| 23 | | | | Public release of this information | |
| 24 | | | | would cause Facebook harm by | |
| 25 | | | | providing competitors with insight into how Facebook | |
| | | | | designs its computer systems and | |
| 26 | | | | its proprietary facial-recognition | |
| 27 | | | | technology. Yadan Decl. ¶ 34; | |
| | | | | Nadolenco Sealing Decl. ¶¶ 11- | |

| Facebook's Opposition to Plaintiffs' Motion for Partial Summary Judge (Dkt. 337) Portions to be Sealed Compelling Reason 12. 96 Exhibit 17 to the Nadolenco Entire document See Exhibit 28 to the MSJ Opp. Decl. (excerpts from the February 28, 2018 29). | |
|--|-----------------|
| Portions to be Sealed Compelling Reason 12. 96 Exhibit 17 to the Nadolenco MSJ Opp. Decl. (excerpts from the February 28, 2018) The February 28, 2018 Portions to be Sealed Compelling Reason 12. See Exhibit 28 to to the MSJ Opp. Declaration 29) | ment |
| No. Document Sealed Compelling Reason 12. 96 Exhibit 17 to the Nadolenco Entire document See Exhibit 28 to to MSJ Opp. Decl. (excerpts from the February 28, 2018 29) | |
| 4 96 Exhibit 17 to the Nadolenco Entire document See Exhibit 28 to to MSJ Opp. Decl. (excerpts from the February 28, 2018 29) | |
| 96 Exhibit 17 to the Nadolenco Entire document See Exhibit 28 to to MSJ Opp. Decl. (excerpts from the February 28, 2018 | ons for Sealing |
| MSJ Opp. Decl. (excerpts from the February 28, 2018 | .1 *****11* |
| the February 28, 2018 | |
| | ition (Ref. No. |
| 6 Deposition Transcript of | |
| 7 Matthew Turk, Ph.D.) | |
| 07 Eyhikit 10 to the Nedelance Entire decomment Eyhikit 10 to the N | Nadolenco MSJ |
| 8 MSJ Opp. Decl. Entire document Exhibit 19 to the Nadolenco Opp. Declaration of | |
| 9 (FBBIPA_00005371) Facebook's propri | |
| recognition technology | ology works |
| and the way in wh | |
| computer systems | |
| 12 and support Faceb | |
| recognition technologies release of this info | • • |
| cause Facebook ha | |
| 14 providing competi | <u> </u> |
| 15 insight into how F | |
| designs its comput | |
| 16 its proprietary faci | • |
| 17 technology. Yada | n Decl. ¶ 34; |
| Nadolenco Sealing | g Decl. ¶¶ 11- |
| 12. | |
| 19 98 Facebook's Opposition to Pages i:15-20; 2:4- The designated po | |
| Plaintiffs' Motion for Partial 6; 3:3-13; 3:24-25; Facebook's Oppos | |
| Summary Judgment 4:25-5:7; 5:9-22; Plaintiffs' Motion | |
| 21 5:25-28; 6:1-5; 6:7- Summary Judgmen 21; 6:23-9:12; 10:9- discuss the inform | |
| 22 10; 11:4-8; 11:13- contained in the di | |
| 23 25; 12:6-12; 12:14- responses, expert in | • |
| 17: 13:4-11: 13:23- confidential depos | - |
| 24 28; 14:22-23; that Facebook seel | |
| 25 15:12-13; 15:19- Public release of the | his information |
| 26 17:21; 17:24-18:5; would cause Facel | - |
| 18:17-19:2; 19:8- providing competi | |
| 27 10; 19:14-21; insight into how F | |
| 28 19:24-28; 20:4-13; designs its comput | ter systems and |

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| | |

| | Facebook's Opposition to Plaintiffs' Motion for Partial Summary Judgment | | | | | |
|-----|--|---------------------|------------------------------------|--|--|--|
| | (Dkt. 337) | | | | | |
| | | Portions to be | | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | | |
| | | or portions thereof | its proprietary facial-recognition | | | |
| | | | technology. Yadan Decl. ¶ 34; | | | |
| | | | Nadolenco Sealing Decl. ¶¶ 24- | | | |
| | | | 25. | | | |

| Plaintiffs' Reply in Support of Their Motion for Partial Summary Judgment |
|---|
| (Dkt. 359) |

| (DKI. 339) | | | | | |
|------------|---------------------------------|----------------------|------------------------------------|--|--|
| | | Portions to be | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | |
| 99 | Plaintiffs' Reply in Support of | Pages 1:17-21; | The designated portions of | | |
| | Their Motion for Partial | 1:23; 2:1; 2:23-25; | Plaintiffs' Reply in Support of | | |
| | Summary Judgment | 3:24-26; 4:1; 4:7-9; | Their Motion for Partial | | |
| | | 4:11-17; 4:21-26; | Summary Judgment reference or | | |
| | | 5:1-8; 5:11-19; | discuss the information | | |
| | | 5:23-25; 6:22-23; | contained in the discovery | | |
| | | 7:1-3; 7:10-11; | responses, expert reports, and | | |
| | | 7:14-17; 7:19-27; | confidential deposition testimony | | |
| | | 8:5-7; 8:20-21; | that Facebook seeks to seal. | | |
| | | 8:27-28; 9:12-14; | Public release of this information | | |
| | | 9:19-23; 10:5-6; | would cause Facebook harm by | | |
| | | 10:18-22; 11:3-6; | providing competitors with | | |
| | | 11:8-9; 13:8; 15:4- | insight into how Facebook | | |
| | | 8; or portions | designs its computer systems and | | |
| | | thereof | its proprietary facial-recognition | | |
| | | | technology. Yadan Decl. ¶ 34; | | |
| | | | Nadolenco Sealing Decl. ¶¶ 24- | | |
| | | | 25. | | |
| 100 | Exhibit 32 to Williams MSJ | Entire document | Exhibit 32 to Williams MSJ | | |
| | Reply Decl. | | Reply Declaration contains an | | |
| | (FBBIPA_00001460) | | internal Facebook discussion | | |
| | | | regarding confidential details | | |
| | | | about Facebook's strategic plan | | |
| | | | for the Tag Suggestions feature. | | |
| | | | Public release of this information | | |
| | | | would cause Facebook harm by | | |
| | | | providing competitors with | | |
| | | 11 | | | |

| 1 | | Plaintiffs' Reply in Support of | | rtial Summary Judgment |
|----|-----|--|---------------------------------|---|
| 2 | | | (Dkt. 359) Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | 2 3 3 3 3 3 | insight into how Facebook |
| 4 | | | | designs its computer systems and |
| 5 | | | | its proprietary facial-recognition |
| 6 | | | | technology as well as its |
| 7 | | | | marketing and product launch |
| ′ | | | | strategies. Yadan Decl. ¶ 34; Nadolenco Sealing Decl. ¶¶ 11- |
| 8 | | | | 12. |
| 9 | 101 | | Entire document | Exhibit 34 to Williams MSJ |
| 10 | | Reply Decl. | | Reply Declaration contains |
| 11 | | (FBBIPA_00037792) | | communications with a government entity concerning its |
| | | | | facial-recognition technology, |
| 12 | | | | which are maintained as |
| 13 | | | | confidential by both sides to the |
| 14 | | | | communication. Public release |
| | | | | of this information would cause |
| 15 | | | | Facebook harm by providing competitors with insight into |
| 16 | | | | how Facebook implements its |
| 17 | | | | proprietary facial-recognition |
| 18 | | | | technology. Yadan Decl. ¶ 34; |
| | | | | Nadolenco Sealing Decl. ¶¶ 11- |
| 19 | 100 | E 1'1', 27 , W'11' MOI | D 100 00 1 | 12. |
| 20 | 102 | Exhibit 35 to Williams MSJ Reply Decl. (February 28, 2018 | Pages 122-23, and 127-29 to the | Exhibit 35 to Williams MSJ Reply Declaration contains |
| 21 | | Deposition Transcript of Omry | excerpts submitted | testimony from the February 28, |
| 22 | | Yadan) | by Facebook; and | 2018 Deposition of Omry Yadan. |
| | | | non-cited pages in | Mr. Yadan testified in detail |
| 23 | | | their entirety | about Facebook's network architecture, how Facebook's |
| 24 | | | | proprietary facial-recognition |
| 25 | | | | technology works, and the way |
| 26 | | | | in which Facebook's computer |
| | | | | systems interact with and support |
| 27 | | | | Facebook's facial recognition |
| 28 | | | 45 | technology. These portions of |

| 1 | | Plaintiffs' Reply in Support | | artial Summary Judgment |
|----|------|------------------------------|----------------------------|--|
| 2 | | | (Dkt. 359) Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | 1101 | Dodinent | Scarca | Mr. Yadan's deposition have |
| 4 | | | | been designated by Facebook as |
| 5 | | | | "Highly Confidential – |
| 6 | | | | Attorneys' Eyes Only" pursuant to the Protective Order. Public |
| 7 | | | | release of this information would |
| 8 | | | | cause Facebook harm by |
| | | | | providing competitors with |
| 9 | | | | insight into how Facebook |
| 10 | | | | designs its computer systems and its proprietary facial- |
| 11 | | | | recognition technology. Yadan |
| 12 | | | | Decl. ¶ 34; Nadolenco Sealing |
| | | | | Decl. ¶¶ 16-17. |
| 13 | | | | Enhibit 25 to Williams MCI |
| 14 | | | | Exhibit 35 to Williams MSJ Reply Declaration includes a |
| 15 | | | | complete copy of Mr. Yadan's |
| 16 | | | | deposition transcript, of which 5 |
| | | | | pages are cited in plaintiffs' |
| 17 | | | | brief. The non-cited pages have no bearing on the issues to be |
| 18 | | | | decided on this motion and |
| 19 | | | | should be sealed for this |
| 20 | | | | additional reason. See CreAgri, |
| | | | | <i>Inc.</i> , 2014 WL 27028, at |
| 21 | | | | *2 (granting motion to seal portion of document that would |
| 22 | | | | "not further the public's |
| 23 | | | | understanding of the reasoning |
| 24 | | | | underlying the Court's |
| | | | | decisions"). Nadolenco Sealing |
| 25 | 103 | Exhibit 36 to Williams MSJ | Entire document | Decl. ¶ 18. Exhibit 36 to Williams MSJ |
| 26 | 103 | Reply Decl. | Zinne document | Reply Declaration contains |
| 27 | | (FBBIPA_00005374) | | information relating to the details |
| 28 | | | | of Facebook's facial recognition |
| | | | 4.0 | |

| 1 | | Disingles 2 Danie in Consense | CTL .: . M. di C D. | d'-1 C |
|-----|-----|---------------------------------|---------------------|---|
| 1 | | Plaintiffs' Reply in Support of | (Dkt. 359) | rtiai Summary Judgment |
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | technology, which Facebook has |
| | | | | designated as "Confidential" or |
| 5 | | | | "Highly Confidential – |
| 6 | | | | Attorneys' Eyes Only" pursuant to the Protective Order. Public |
| 7 | | | | release of this information would |
| 8 | | | | cause Facebook harm by |
| 0 | | | | providing competitors with |
| 9 | | | | insight into how Facebook |
| 10 | | | | designs its computer systems and its proprietary facial-recognition |
| 11 | | | | technology. The document also |
| 12 | | | | contains confidential details |
| 12 | | | | about Facebook's strategic plan |
| 13 | | | | for the Tag Suggestions feature. |
| 14 | | | | Further, public disclosure of |
| 1.5 | | | | information related to |
| 15 | | | | Facebook's network architecture and how its architecture is used |
| 16 | | | | in connection with facial |
| 17 | | | | recognition could put Facebook |
| 18 | | | | and the people who use |
| 10 | | | | Facebook at increased risk of |
| 19 | | | | cyber attack by malicious actors. |
| 20 | | | | Yadan Decl. ¶ 34; Nadolenco |
| 21 | 104 | Exhibit 37 to Williams MSJ | Non-cited pages in | Sealing Decl. ¶¶ 11-12. Exhibit 37 to Williams MSJ |
| | | Reply Decl. (October 10, 2017 | their entirety | Reply Declaration contain |
| 22 | | Deposition Transcript of Dan | | testimony from the October 10, |
| 23 | | Barak) | | 2017 Deposition of Dan Barak. |
| 24 | | | | Mr. Barak testified in detail |
| 25 | | | | about Facebook's network architecture, how Facebook's |
| | | | | proprietary facial-recognition |
| 26 | | | | technology works, the way in |
| 27 | | | | which Facebook's computer |
| 28 | | | 47 | systems interact with and support |

| 1 | | D1: ('CC') D | CTI ' M C D | . 10 11 |
|----|-----|----------------------------|----------------|--|
| 1 | | Plaintiffs' Reply in Suppo | (Dkt. 359) | artial Summary Judgment |
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | Facebook's facial recognition |
| 5 | | | | technology, and Facebook's strategic plan for the Tag |
| 6 | | | | Suggestions feature. These |
| 7 | | | | portions of Mr. Barak's |
| | | | | deposition have been designated by Facebook as "Highly |
| 8 | | | | Confidential – Attorneys' Eyes |
| 9 | | | | Only" pursuant to the Protective |
| 10 | | | | Order. Public release of this information would cause |
| 11 | | | | Facebook harm by providing |
| 12 | | | | competitors with insight into |
| 13 | | | | how Facebook designs its computer systems and its |
| 14 | | | | proprietary facial-recognition |
| | | | | technology. Yadan Decl. ¶ 34; |
| 15 | | | | Nadolenco Sealing Decl. ¶¶ 16-17. |
| 16 | | | | 17. |
| 17 | | | | The Williams MSJ Reply |
| 18 | | | | Declaration includes a complete copy of Mr. Barak's deposition |
| 19 | | | | transcript, of which 2 pages are |
| 20 | | | | cited in plaintiffs' brief. The |
| 21 | | | | non-cited pages have no bearing on the issues to be decided on |
| | | | | this motion and should be sealed |
| 22 | | | | for this additional reason. See |
| 23 | | | | CreAgri, Inc., 2014 WL 27028, at *2 (granting motion to seal |
| 24 | | | | portion of document that would |
| 25 | | | | "not further the public's |
| 26 | | | | understanding of the reasoning underlying the Court's |
| 27 | | | | decisions"). Nadolenco Sealing |
| 28 | | | | Decl. ¶ 18. The cited pages, |
| _0 | | | 48 | |

| 1 | | Plaintiffs' Reply in Support | | artial Summary Judgment |
|----|------|------------------------------|----------------------------|---|
| 2 | | | (Dkt. 359) Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| | 110. | Document | Sealeu | which are included in the excerpt |
| 4 | | | | submitted by Facebook, do not |
| 5 | | | | discuss either the strategic plan |
| | | | | for or the technical details of |
| 6 | | | | Facebook's technologies and |
| 7 | | | | therefore need not be sealed. |
| 8 | 105 | Exhibit 42 to Williams MSJ | Entire document | Exhibit 42 to Williams MSJ |
| | | Reply Decl. | | Reply Declaration contains |
| 9 | | (FBBIPA_00006889) | | information relating to the details |
| 10 | | | | of Facebook's network |
| 11 | | | | architecture and its facial |
| 11 | | | | recognition technology, which Facebook has designated as |
| 12 | | | | "Confidential" or "Highly |
| 13 | | | | Confidential – Attorneys' Eyes |
| | | | | Only" pursuant to the Protective |
| 14 | | | | Order. Public release of this |
| 15 | | | | information would cause |
| 16 | | | | Facebook harm by providing |
| 10 | | | | competitors with insight into |
| 17 | | | | how Facebook designs its |
| 18 | | | | computer systems and its |
| | | | | proprietary facial-recognition |
| 19 | | | | technology. Further, public disclosure of information related |
| 20 | | | | to Facebook's network |
| 21 | | | | architecture and how its |
| | | | | architecture is used in connection |
| 22 | | | | with facial recognition could put |
| 23 | | | | Facebook and the people who |
| 24 | | | | use Facebook at increased risk of |
| 24 | | | | cyber attack by malicious actors. |
| 25 | | | | Yadan Decl. ¶ 34; Nadolenco |
| 26 | | | | Sealing Decl. ¶¶ 11-12. |
| | 106 | | Entire document | Exhibit 43 to Williams MSJ |
| 27 | | Reply Decl. | | Reply Declaration discusses |
| 28 | | (FBBIPA_00037793) | 49 | confidential details about |

| 1 | | Plaintiffs' Reply in Support | | rtial Summary Judgment |
|-----|-----|------------------------------|-----------------|---|
| 2 | | | (Dkt. 359) | |
| 2 | | | Portions to be | |
| 3 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 4 | | | | Facebook's strategic plan, |
| _ | | | | including its marketing and |
| 5 | | | | communications strategies, for |
| 6 | | | | the Tag Suggestions feature. |
| 7 | | | | Public release of this information |
| 7 | | | | would cause Facebook harm by |
| 8 | | | | providing competitors with |
| 9 | | | | insight into how Facebook |
| 9 | | | | designs its computer systems and its proprietary facial-recognition |
| 10 | | | | technology. Yadan Decl. ¶ 34; |
| 11 | | | | Nadolenco Sealing Decl. ¶¶ 11- |
| | | | | 12. |
| 12 | 107 | Exhibit 47 to Williams MSJ | Entire document | Exhibit 47 to Williams MSJ |
| 13 | 107 | Reply Decl. | Little document | Reply Declaration references |
| | | (FBBIPA_00008127) | | proprietary and confidential |
| 14 | | (12211_000001_/) | | details about Facebook's image |
| 15 | | | | processing system. Public |
| | | | | release of this information would |
| 16 | | | | cause Facebook harm by |
| 17 | | | | providing competitors with |
| 1.0 | | | | insight into how Facebook |
| 18 | | | | designs its computer systems and |
| 19 | | | | its proprietary facial-recognition |
| 20 | | | | technology. Yadan Decl. ¶ 34; |
| 20 | | | | Nadolenco Sealing Decl. ¶¶ 11- |
| 21 | | | | 12. |

PLAINTIFFS' MOTION TO EXCLUDE THE TESTIMONY OF DEFENDANT'S PROPOSED EXPERT MATTHEW TURK, PH.D

| | Plaintiffs' Motion to Exclude the Testimony of Defendant's Proposed Expert | | | |
|-----|--|----------------------|--------------------------------|--|
| | Matthew Turk, Ph.D | | | |
| | (Dkt. 301) | | | |
| | | Portions to be | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | |
| 108 | Plaintiffs' Notice of Motion and | Pages i:6-7; i:9-10; | The designated portions of | |

| 1 | | Plaintiffs' Motion to Exclude | • | endant's Proposed Expert | | | |
|----|------|-------------------------------|------------------------------------|--|--|--|--|
| 2 | | Matthew Turk, Ph.D | | | | | |
| 3 | | | (Dkt. 301) | | | | |
| | No. | Document | Portions to be Sealed | Compelling Reasons for Sealing | | | |
| 4 | 110. | Motion to Exclude the | i:13-14; 1:22-23; | Plaintiffs' Notice of Motion and | | | |
| 5 | | Testimony of Defendant's | 1:26-2:10; 2:12; | Motion to Exclude the | | | |
| | | Proposed Expert Matthew Turk, | 2:14-17; 2:20-22; | Testimony of Defendant's | | | |
| 6 | | Ph.D. | 2:27-28; 3:1-3; | Proposed Expert Matthew Turk, | | | |
| 7 | | | 4:20-21; 5:4-27; | Ph.D. reference or discuss the | | | |
| 8 | | | 6:15-20; 6:22-24; | information contained in the | | | |
| 0 | | | 6:27-28; 7:1-3; 7:8- | discovery responses, expert | | | |
| 9 | | | 8:10; 8:21-24; 8:27- | reports, and confidential | | | |
| 10 | | | 28; 9:1-24; 9:26-28; | deposition testimony that | | | |
| | | | 10:3-11; 10:16-21; | Facebook seeks to seal. Public | | | |
| 11 | | | 10:24-11:6; 11:9- | release of this information would | | | |
| 12 | | | 14; 11:17-12:16; | cause Facebook harm by | | | |
| 13 | | | 12:23-24; 12:27- 13:4; 13:8-12; | providing competitors with | | | |
| 13 | | | 13:15-19; 13:26-28; | insight into how Facebook designs its computer systems and | | | |
| 14 | | | or potions thereof | its proprietary facial-recognition | | | |
| 15 | | | or potions thereof | technology. Yadan Decl. ¶ 34; | | | |
| | | | | Nadolenco Sealing Decl. ¶¶ 24- | | | |
| 16 | | | | 25 | | | |
| 17 | 109 | | Entire document | Exhibit 1 to the Williams Turk | | | |
| 18 | | Decl. (FBBIPA_00005371) | | Declaration discusses how | | | |
| | | | | Facebook's proprietary facial- | | | |
| 19 | | | | recognition technology works and the way in which Facebook's | | | |
| 20 | | | | computer systems interact with | | | |
| 21 | | | | and support Facebook's facial- | | | |
| | | | | recognition technology. Public | | | |
| 22 | | | | release of this information would | | | |
| 23 | | | | cause Facebook harm by | | | |
| 24 | | | | providing competitors with | | | |
| 25 | | | | insight into how Facebook designs its computer systems and | | | |
| | | | | its proprietary facial-recognition | | | |
| 26 | | | | technology. Yadan Decl. ¶ 34; | | | |
| 27 | | | | Nadolenco Sealing Decl. ¶¶ 11- | | | |
| 28 | | | | 12. | | | |

| 1 2 | | Plaintiffs' Motion to Exclude the Testimony of Defendant's Proposed Expert Matthew Turk, Ph.D | | | | | |
|----------|-----|--|-----------------|--|--|--|--|
| | | | (Dkt. 301) | 1 | | | |
| 3 | | | Portions to be | | | | |
| 4 | No. | Document | Sealed | Compelling Reasons for Sealing | | | |
| _ | 110 | Exhibit 2 to the Williams Turk | Entire document | See Exhibit 20 to the Williams | | | |
| 5 | 111 | Decl. (FBBIPA_00036963) | | MSJ Declaration (Ref. No. 80). | | | |
| 6 | 111 | | Entire document | See Exhibit 3 to the Nadolenco | | | |
| 7 | | Decl. (Expert Report of | | MSJ Declaration (Ref. No. 1). | | | |
| | 112 | Matthew Turk, Ph.D.) Exhibit 4 to the Williams Turk | Entire document | See Exhibit 28 to the Williams | | | |
| 8 | 112 | Decl. (February 28, 2018 | Entire document | MSJ Opp. Declaration (Ref. No. | | | |
| 9 | | Deposition of Matthew Turk, | | 29). | | | |
| | | Ph.D.) | | 27). | | | |
| 10 | 113 | , | Entire document | Exhibit 7 to the Williams Turk | | | |
| 11 | | Decl. (FBBIPA_00009283) | | Declaration contains information | | | |
| 12 | | | | relating to the details of | | | |
| 12 | | | | Facebook's network architecture | | | |
| 13 | | | | and its facial recognition | | | |
| 14 | | | | technology, which Facebook has | | | |
| | | | | designated as "Confidential" or | | | |
| 15 | | | | "Highly Confidential – | | | |
| 16 | | | | Attorneys' Eyes Only" pursuant | | | |
| 17 | | | | to the Protective Order. Public | | | |
| 17 | | | | release of this information would | | | |
| 18 | | | | cause Facebook harm by | | | |
| 19 | | | | providing competitors with insight into how Facebook | | | |
| 1) | | | | designs its computer systems and | | | |
| 20 | | | | its proprietary facial-recognition | | | |
| 21 | | | | technology. Further, public | | | |
| | | | | disclosure of information related | | | |
| 22 | | | | to Facebook's network | | | |
| 23 | | | | architecture and how its | | | |
| . | | | | architecture is used in connection | | | |
| 24 | | | | with facial recognition could put | | | |
| 25 | | | | Facebook and the people who | | | |
| 26 | | | | use Facebook at increased risk of | | | |
| ۷٥ | | | | cyber attack by malicious actors. | | | |
| 27 | | | | Yadan Decl. ¶ 34; Nadolenco | | | |
| 28 | | | | Sealing Decl. ¶¶ 11-12. | | | |

| 1 | Plaintiffs' Motion to Exclude the Testimony of Defendant's Proposed Expert | | | | | | |
|----|--|-------------------------------|--------------------------|--|--|--|--|
| 2 | Matthew Turk, Ph.D | | | | | | |
| 3 | | | (Dkt. 301) | | | | |
| 3 | No. | Document | Portions to be Sealed | Compelling Reasons for Sealing | | | |
| 4 | 114 | | Entire document | Exhibit 9 to the Williams Turk | | | |
| 5 | 114 | Decl. (Notes taken by Matthew | Entire document | Declaration contains information | | | |
| | | Turk, Ph.D. titled "Phone | | relating to the details of | | | |
| 6 | | meeting w/Yaniv," dated | | Facebook's network architecture | | | |
| 7 | | December 20, 2017) | | and its facial recognition | | | |
| 8 | | | | technology, which Facebook has | | | |
| | | | | designated as "Confidential" or | | | |
| 9 | | | | "Highly Confidential – | | | |
| 10 | | | | Attorneys' Eyes Only" pursuant to the Protective Order. Public | | | |
| 11 | | | | release of this information would | | | |
| | | | | cause Facebook harm by | | | |
| 12 | | | | providing competitors with | | | |
| 13 | | | | insight into how Facebook | | | |
| 14 | | | | designs its computer systems and | | | |
| 14 | | | | its proprietary facial-recognition | | | |
| 15 | | | | technology. Further, public | | | |
| 16 | | | | disclosure of information related | | | |
| 17 | | | | to Facebook's network | | | |
| 17 | | | | architecture and how its architecture is used in connection | | | |
| 18 | | | | with facial recognition could put | | | |
| 19 | | | | Facebook and the people who | | | |
| | | | | use Facebook at increased risk of | | | |
| 20 | | | | cyber attack by malicious actors. | | | |
| 21 | | | | Yadan Decl. ¶ 34; Nadolenco | | | |
| 22 | | | | Sealing Decl. ¶ 22. | | | |
| | 115 | | Entire document | Exhibit 11 to the Williams Turk | | | |
| 23 | | Decl. (FBBIPA_00008127) | | Declaration references | | | |
| 24 | | | | proprietary and confidential details about Facebook's image | | | |
| 25 | | | | processing system. Public | | | |
| | | | | release of this information would | | | |
| 26 | | | | cause Facebook harm by | | | |
| 27 | | | | providing competitors with | | | |
| 20 | | | | insight into how Facebook | | | |
| 28 | | | 53 | | | | |

| 1 | | Plaintiffs' Motion to Exclude | | endant's Proposed Expert |
|----------------|------|--|-------------------------------|---|
| 2 | | N. | Iatthew Turk, Ph.D (Dkt. 301) | |
| 3 | | | Portions to be | |
| 4 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 5 6 | | | | designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶¶ 34-35; Nadolenco Sealing Decl. |
| 7 | | | | ¶¶ 11-12. |
| 8 | | | | |
| 9 | Face | book's Opposition to Plaintiffs' Me | otion to Exclude the To | estimony of Defendant's Proposed |
| | | Exper | rt Matthew Turk, Ph.D | |
| 10 | | | (Dkt. 335) | |
| 11 | | _ | Portions to be | |
| 10 | No. | Document | Sealed | Compelling Reasons for Sealing |
| 12 | 116 | Exhibit 1 to the Declaration of | Entire document | See Exhibit 3 to the Nadolenco |
| 13 | | John Nadolenco in Support of | | MSJ Declaration (Ref. No. 1). |
| 14 | | Facebook's Opposition to | | |
| 17 | | Plaintiffs' Motion to Exclude | | |
| 15 | | the Testimony of Defendant's Proposed Expert Matthew Turk, | | |
| 16 | | Ph.D. ("Nadolenco Turk Opp. | | |
| | | Decl.") (Expert Report of | | |
| 17 | | Matthew Turk, Ph.D.) | | |
| 18 | 117 | Exhibit 2 to the Nadolenco Turk | Entire document | See Exhibit 4 to the Nadolenco |
| 10 | | Opp. Decl. (Rebuttal Expert | | MSJ Declaration (Ref. No. 2). |
| 19 | | Report of Matthew Turk, Ph.D.) | | , , , , , |
| 20 | 118 | Exhibit 3 to the Nadolenco Turk | Entire document | See Exhibit 9 to the Nadolenco |
| 21 | | Opp. Decl. (Expert Report of | | MSJ Declaration (Ref. No. 7). |
| | | Dr. Atif Hashmi) | | |
| 22 | 119 | | Entire document | See Exhibit 28 to the Williams |
| 23 | | Opp. Decl. (excerpts from the | | MSJ Opp. Declaration (Ref. No. |
| 24 | | February 28, 2018 Deposition | | 29). |
| 2 4 | | Transcript of Matthew Turk, | | |
| 25 | 120 | Ph.D.) Facebook's Opposition to | Pages i:9-10; i:12- | The designated portions of |
| 26 | 120 | Plaintiffs' Motion to Exclude | 18; 1:4-9; 1:11-13; | Facebook's Opposition to |
| | | the Testimony of Defendant's | 1:15-16; 1:22-2:5; | Plaintiffs' Motion to Exclude the |
| 27 | | Proposed Expert Matthew Turk, | 2:11-17; 2:20-25; | Testimony of Defendant's |
| 28 | | Troposed Expert matthew Turk, | 54 | Testimony of Detendant 5 |

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| L | 0 |

| Facebook's Opposition to Plaintiffs' Motion to Exclude the Testimony of Defendant's Proposed |
|--|
| Expert Matthew Turk, Ph.D. |
| (Dkt 335) |

| | | Portions to be | |
|-----|----------|----------------------|------------------------------------|
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | Ph.D | 2:27-4:2; 4:4-5:2; | Proposed Expert Matthew Turk, |
| | | 5:4-19; 5:22-6:9; | Ph.D reference or discuss the |
| | | 6:21-23; 7-1-2; 7:5- | information contained in the |
| | | 8; 7:10-12; 7:14-20; | discovery responses, expert |
| | | 7:25-8:11; 8:14-24; | reports, and confidential |
| | | 8:25-27; 9:5-9; | deposition testimony that |
| | | 9:15-16; 9:18-20; | Facebook seeks to seal. Public |
| | | 10:20-22; 11:1-9; | release of this information would |
| | | 11:12-17; 11:25-28; | cause Facebook harm by |
| | | 12:7-12; 12:19-20; | providing competitors with |
| | | 12:22-24; 13:1-3; | insight into how Facebook |
| | | 13:6-9; 13:10-11; | designs its computer systems and |
| | | 13:14-22; 14:2-10; | its proprietary facial-recognition |
| | | 14:12-15; 14:19- | technology. Yadan Decl. ¶ 34; |
| | | 15:3; 15:5-10; | Nadolenco Sealing Decl. ¶¶ 24- |
| | | 15:13-21 | 25. |

Plaintiffs' Reply in Support of Their Motion to Exclude the Testimony of Defendant's Proposed Expert Matthew Turk, Ph.D (Dkt 357)

| | (DKt. 357) | | | | |
|-----|---------------------------------|---------------------|-----------------------------------|--|--|
| | | Portions to be | | | |
| No. | Document | Sealed | Compelling Reasons for Sealing | | |
| 121 | Plaintiffs' Reply in Support of | Pages i:11-13; | The designated portions of | | |
| | Their Motion to Exclude the | 1:16-17; 1:22-24; | Plaintiffs' Reply in Support of | | |
| | Testimony of Defendant's | 2:1-2; 2:15-20; | Their Motion to Exclude the | | |
| | Proposed Expert Matthew Turk, | 3:13-17; 3:19-21; | Testimony of Defendant's | | |
| | Ph.D | 4:3-17; 5:15-19; | Proposed Expert Matthew Turk, | | |
| | | 5:22-24; 6:1-8; | Ph.D reference or discuss the | | |
| | | 6:23-24; 6:27-28; | information contained in the | | |
| | | 7:3-14; 7:18-20; | discovery responses, expert | | |
| | | 7:23-25; 7:27-28; | reports, and confidential | | |
| | | 8:12; 8:14-9:12; | deposition testimony that | | |
| | | 9:20-22; 10:1-3; | Facebook seeks to seal. Public | | |
| | | 10:10-16; 10:18-20; | release of this information would | | |
| | | or portions thereof | cause Facebook harm by | | |

| Expert Matthew Turk, Ph.D (Dkt. 357) | | | |
|--------------------------------------|---|--------------------|---|
| | | Portions to be | |
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | | | providing competitors with |
| | | | insight into how Facebook |
| | | | designs its computer systems an |
| | | | its proprietary facial-recognition |
| | | | technology. Yadan Decl. ¶ 34; |
| | | | Nadolenco Sealing Decl. ¶¶ 24 25. |
| 122 | Exhibit 12 to the Declaration of | Entire document | See Exhibit 7 to the Nadolenco |
| | Shawn Williams in Support of | | MSJ Declaration (Ref. No. 5). |
| | Plaintiffs' Reply in Support of Their Motion to Exclude the | | |
| | Testimony of Defendant's Proposed Expert Matthew Turk, | | |
| | Ph.D ("Williams Turk Reply | | |
| | Decl.") (Expert Report of | | |
| | Jeffrey S. Dunn) | | |
| 123 | Exhibit 13 to the Williams Turk | Entire document | See Exhibit 9 to the Nadolenco |
| | Reply Decl. (Expert Report of | | MSJ Declaration (Ref. No. 7). |
| | Dr. Atif Hashmi) | | |
| 124 | | Page 109 to the | See Exhibit 8 to the Nadolenco |
| | Reply Decl. (February 23, 2018 | excerpts submitted | MSJ Declaration (Ref. No. 6). |
| | Deposition Transcript of Dr. | by Facebook; and | |
| | Atif Hashmi) | non-cited pages in | Exhibit 14 to the Williams Turk |
| | | their entirety | Reply Declaration includes a |
| | | | complete copy of Mr. Hashmi's deposition transcript, of which |
| | | | page is cited in plaintiffs' brief. |
| | | | The non-cited pages have no |
| | | | bearing on the issues to be |
| | | | decided on this motion and |
| | | | should be sealed for this |
| | | | additional reason. See CreAgri, |
| | | | <i>Inc.</i> , 2014 WL 27028, at |
| | | | *2 (granting motion to seal |
| | | | portion of document that would |

| | | Portions to be | |
|-----|----------------------------------|----------------------|--|
| No. | Document | Sealed | Compelling Reasons for Sealin |
| | | | understanding of the reasoning |
| | | | underlying the Court's |
| | | | decisions"). Nadolenco Sealing |
| | | | Decl. ¶ 21. |
| 125 | Exhibit 15 to the Williams Turk | Pages 76-77 and 78 | See Exhibit 11 to the Nadolenc |
| | Reply Decl. (February 26, 2018 | to the excerpts | MSJ Declaration (Ref. No. 9). |
| | Deposition Transcript of Jeffrey | submitted by | |
| | S. Dunn) | Facebook; and non- | Exhibit 15 to the Williams Tur |
| | | cited pages in their | Reply Declaration includes a |
| | | entirety | complete copy of Mr. Dunn's |
| | | | deposition transcript, of which |
| | | | pages are cited in plaintiffs' |
| | | | brief. The non-cited pages hav |
| | | | no bearing on the issues to be |
| | | | decided on this motion and |
| | | | should be sealed for this |
| | | | additional reason. See CreAgra |
| | | | Inc., 2014 WL 27028, at |
| | | | *2 (granting motion to seal portion of document that would |
| | | | "not further the public's |
| | | | understanding of the reasoning |
| | | | underlying the Court's |
| | | | decisions"). Nadolenco Sealin |
| | | | Decl. ¶ 21. |
| 126 | Exhibit 16 to the Williams Turk | Entire document | Exhibit 16 to the Williams Tur |
| 120 | Reply Decl. | Entire document | Reply Declaration contains |
| | (FBBIPA_00038267) | | communications with a |
| | | | government entity concerning |
| | | | facial-recognition technology, |
| | | | which are maintained as |
| | | | confidential by both sides to th |
| | | | communication. Public release |
| | | | of this information would cause |
| | | | Facebook harm by providing |
| | | | competitors with insight into |

| | Expe | rt Matthew Turk, Ph. (Dkt. 357) | D |
|-----|---------------------------------|---------------------------------|--|
| | | Portions to be | |
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | | | how Facebook implements its |
| | | | proprietary facial-recognition |
| | | | technology. Yadan Decl. ¶ 34; |
| | | | Nadolenco Sealing Decl. ¶¶ 11 |
| | | | 12. |
| 127 | | Entire document | Exhibit 17 to the Williams Turk |
| | Reply Decl. | | Reply Declaration discusses |
| | (FBBIPA_00038258) | | confidential details about |
| | | | Facebook's strategic plan for the |
| | | | Tag Suggestions feature. Publi |
| | | | release of this information wou |
| | | | cause Facebook harm by |
| | | | providing competitors with |
| | | | insight into how Facebook designs its computer systems as |
| | | | its proprietary facial-recognitio |
| | | | technology. Yadan Decl. ¶ 34; |
| | | | Nadolenco Sealing Decl. ¶¶ 11 |
| | | | 12. |
| 128 | Exhibit 18 to the Williams Turk | Entire document | Exhibit 18 to the Williams Turk |
| | Reply Decl. | | Reply Declaration contains |
| | (FBBIPA_00038185) | | confidential details regarding the |
| | | | nature of the templates |
| | | | associated with Facebook's |
| | | | facial-recognition technology. Public release of this information |
| | | | would cause Facebook harm by |
| | | | providing competitors— |
| | | | particularly those who also use |
| | | | facial recognition—with insigh |
| | | | into Facebook's proprietary |
| | | | facial-recognition technology. |
| | | | 2d Yadan Decl. ¶¶ 13-14; |
| | | | Nadolenco Sealing Decl. ¶¶ 11 |
| | | | 12. |
| 129 | Exhibit 19 to the Williams Turk | Entire document | Exhibit 19 to the Williams Turl |

| Plaintiffs' Reply in Support of Their Motion to Exclude the Testimony of Defendant's Proposed |
|---|
| Expert Matthew Turk, Ph.D |
| (Dkt. 357) |

| | | Portions to be | |
|-----|---------------------------------|-----------------|-------------------------------------|
| No. | Document | Sealed | Compelling Reasons for Sealing |
| | Reply Decl. | | Reply Declaration contains |
| | (FBBIPA_00008876) | | confidential information and |
| | | | discussions relating to |
| | | | Facebook's product and |
| | | | marketing strategies. Public |
| | | | release of this information would |
| | | | cause Facebook harm by |
| | | | providing competitors with |
| | | | insight into Facebook's product |
| | | | and marketing strategies. |
| | | | Nadolenco Sealing Decl. ¶¶ 11- |
| | | | 12. |
| 130 | Exhibit 20 to the Williams Turk | Entire document | Exhibit 20 to the Williams Turk |
| | Reply Decl. | | Reply Declaration discusses |
| | (FBBIPA_00036805) | | confidential details of an internal |
| | | | product launch strategy. Public |
| | | | release of this information would |
| | | | cause Facebook harm by |
| | | | providing competitors with |
| | | | insight into how Facebook |
| | | | designs its computer systems and |
| | | | its proprietary facial-recognition |
| | | | technology. Yadan Decl. ¶ 34; |
| | | | Nadolenco Sealing Decl. ¶¶ 11- |
| | | | 12. |

Because sealing is not required for any portion of the following documents, Facebook shall file unredacted versions of those documents specified below within 7 days of this order:

- Exhibits 13-15 to the declaration of John Nadolenco in support of Facebook's motion for summary judgment;
- Exhibit 21 to the declaration of John Nadolenco in support of Facebook's opposition to plaintiffs' motion for partial summary judgment;

| 1 | • Exhibits 4-5 to the declaration of John Nadolenco in support of Facebook's |
|----|--|
| 2 | opposition to plaintiffs' motion to exclude the testimony of defendant's proposed |
| 3 | expert Dr. Matthew Turk; |
| 4 | Because sealing is not required for any portion of the following documents, plaintiffs |
| 5 | shall file unredacted versions of those documents specified below within 7 days of this order: |
| 6 | • Exhibit 18 to the declaration of Shawn Williams in support of plaintiffs' |
| 7 | opposition to Facebook's motion for summary judgment; |
| 8 | • The declaration of Shawn Williams in support of plaintiffs' motion for partial |
| 9 | summary judgment; |
| 10 | • Exhibits 2, 5, and 7 to the declaration of Shawn Williams in support of plaintiffs' |
| 11 | motion for partial summary judgment; |
| 12 | • Exhibit 31 to the declaration of Shawn Williams in support of plaintiffs' reply in |
| 13 | support of their motion for partial summary judgment; and |
| 14 | • The declaration of Shawn Williams in Support of plaintiffs' motion to exclude the |
| 15 | testimony of defendant's proposed expert Dr. Matthew Turk; |
| 16 | • Exhibit 8 to the declaration of Shawn Williams in support of plaintiffs' motion to |
| 17 | exclude the testimony of defendant's proposed expert Matthew Turk, Ph.D. |
| 18 | |
| 19 | IT IS SO ORDERED. |
| 20 | |
| 21 | DATED: |
| 22 | Honorable James Donato United States District Judge |
| 23 | Office States District Judge |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | 60 |